

SENATE—Tuesday, November 12, 1991

The Senate met at 10 a.m., and was called to order by the Honorable CHARLES S. ROBB, a Senator from the State of Virginia.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:
*And it shall be, if thou do at all forget the Lord thy God * * * ye shall surely perish. As the nations which the Lord destroyeth before your face, so shall ye perish; because you would not be obedient unto the voice of the Lord your God—Deuteronomy 8:19, 20.*

God of Abraham, Isaac, and Israel, God of our fathers, the words of Moses remind us of the peril of a Godless people. Where does one look for hope in America today if there is no God we can trust? Overwhelming indebtedness: national, private, and corporate; exploding unemployment; corruption; failure; and bankruptcy in finance and business; fading economy; education without values; dysfunctional families; wife and child abuse; drugs and alcoholism; crime; war on our streets; sexual promiscuity; teenage pregnancy, violence, and suicide. And a cynical, angry citizenry which has lost confidence in its government, many of whom abdicate their sovereign responsibility at the polls.

Patient, loving God, has the collapse of communism taught us nothing, whose atheism determined its politics and economics? Moses' warning is timely for us today, "Beware lest thou forget the Lord thy God * * *."

Father, we want to remember Bob Bean and his family today in the loss of his father over the weekend.

Hear us, Lord. Help us. Heal us. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The bill clerk read the following letter:

U.S. SENATE,
 PRESIDENT PRO TEMPORE,
 Washington, DC, November 12, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHARLES S. ROBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
 President pro tempore.

Mr. ROBB thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Without objection, the time for the majority leader and the Republican leader is reserved.

MORNING BUSINESS

The ACTING 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 11 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

The Chair recognizes the Senator from Nevada [Mr. REID].

UNFAIR ATTACK ON THE VICE PRESIDENT

Mr. REID. Mr. President, I was taught as a young man that if the fight was fair I should stay out of it. But I also was taught that if it was an unfair fight, I should do what I could to make it fair.

I have watched unfold in recent days a fight which I perceive to be unfair. I feel compelled to voice my opinion about the unfairness of this battle.

Vice President QUAYLE served as a Member of the U.S. Senate, and is now the Presiding Officer of this body. He is now under attack by a powerful political commentator.

Mr. President, in the ordinary course, the Vice President, and indeed each of us in public life, is fair game for any member of the media who cares to take aim. That hunting license is especially wide for political satirists.

But, Mr. President, what Garry Trudeau is doing to DAN QUAYLE is not only unfair, but it is a disgrace. Based on statements by an admitted felon, by a man who "60 Minutes" said admitted he was lying about Mr. QUAYLE, by a man who failed several polygraphs on this issue, one of which was witnessed by a prominent newscaster where the felon acknowledged deceit—with all this garbage—Mr. Trudeau is trying to damage, embarrass, and harass the Vice President.

He is castigating Mr. QUAYLE and his family. He is damaging his most valuable possessions, his honor and his reputation.

Mr. President, it was wrong when Joe McCarthy lied, slandered, and vilified in this Chamber some 40 years ago. It would be wrong to do the same thing today. And it is wrong to stand silent while the chief Presiding Officer of this body is aspersed.

I have often thought about McCarthyism. I hoped if I had been in this

body at that time I would have had the courage to stand for the right. Now, in some small measure, I have that chance.

We have heard a great deal from the press in the past few months about how the American people disrespect their Congress. Perhaps part of the problem is that we do not always speak out when we should.

If we are to ask others to respect us we must first respect ourselves. If we are to ask others to trust us, we must first trust ourselves. If we are to ask others to allow us to govern then we must first govern ourselves; and such governance includes standing for what is right.

Mr. President, I do not know what other Members may care to do. But in this fight and on this issue, count me in DAN QUAYLE'S corner.

MEASURE PLACED ON THE CALENDAR—S. 1945

The ACTING PRESIDENT pro tempore. The clerk will read S. 1945 for a second time.

The bill was read a second time.

Mr. REID. I object, Mr. President.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

HONOR THE DIC COMMITMENT

Mr. GRAHAM. Mr. President, the Omnibus Budget Reconciliation Act [OBRA] of 1990, Public Law 101-508, made remarried surviving spouses ineligible for reinstatement of Veterans Dependency and Indemnity Compensation [DIC] benefits if they lose their second or subsequent spouse due to death or divorce after October 31, 1990.

The issue is not that these widows have remarried and should, therefore, no longer be the financial responsibility of the Government. The fact is that in 1971, as an enticement to encourage DIC widows to remarry, thus getting them off the Government benefit rolls, Congress enacted reinstatement legislation.

This law was in effect for 20 years and many individuals made irreversible financial decisions based on Congress' explicit statutory commitment to reinstate benefits if the widows were predeceased or divorced.

An exhaustive history of the DIC Program has been compiled by 20 military associations. At the request of the Retired Officers Association, I ask unanimous consent that the history be printed in the CONGRESSIONAL RECORD.

I am hopeful that Congress will reconsider the action taken in Public

Law 101-508. I have introduced legislation, S. 659, which would delay the effect of OBRA for 1 year and urge my colleagues to support this measure.

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

STATEMENT

(Air Force Association, Air Force Sergeants Association, Association of Military Surgeons of the United States, Association of U.S. Army, Commissioned Officers Association of the Public Health Service, Enlisted Association of the National Guard of the U.S., Fleet Reserve Association, Marine Corps League, Marine Corps Reserve Officers Association, National Association for Uniformed Services, National Guard Association of the U.S., National Military Family Association, Naval Enlisted Reserve Association, Naval Reserve Association, Navy League of the U.S., Reserve Officers Association, The Military Chaplains Association, The Retired Enlisted Association, The Retired Officers Association, U.S. Army Warrant Officers Association)

HISTORY OF DEATH BENEFITS: COLONIAL TIMES TO PRESENT

Public Law 94-433, September 30, 1976, directed the Administrator of Veterans' Affairs to conduct a study of the Dependency and Indemnity Compensation (DIC) program. An integral part of that study was a comprehensive history of veterans and survivor benefits that spanned more than 300 years. Because the history provides perspective on the numerous attempts to satisfy the varied constituencies, a significant part of that history is included here. The pages that follow are for the most part verbatim extracts of Senate Committee Print No. 14, 95th Congress, 2d Session, "Evaluation of Benefits Under the Dependency and Indemnity Compensation (DIC) Program, A Study Submitted by the Veterans' Administration (Pursuant to Section 204 of Public Law 94-433)" to the Committee on Veterans' Affairs, United States Senate, January 31, 1978. In places where the history seemed to require elaboration, additional information was included based on the several committee reports associated with the legislative changes to the survivor and DIC programs.

ENGLISH AND COLONIAL PRECEDENTS

The scope and character of both the English and Colonial legislation set the backdrop against which a system of benefits for veterans and their survivors subsequently developed in the United States.

The late 16th century marked the passage of the earliest English statute for the relief of disabled and maimed soldiers and sailors who had served during and after the battle with the Spanish Armada. Payment could not exceed ten pounds a year to a private soldier nor twenty pounds a year to an officer, with the responsibility for actual payment assigned to the soldier's place of residence or impressment. It was intended not only to be a reward for serving Her Majesty Queen Elizabeth I, but to relieve the burdens resultant from such service and to encourage others to serve.

During the 17th century, the original statute was extended and amplified until, in 1681, Chelsea Hospital was erected. This institution was intended to provide a home for the noncommissioned officers and men with funding provided both from public funds and through deductions from the servicemen's pay. Disabled officers were authorized half pay for life in the late sixteen hundreds.

Similar arrangements for the relief of widows of deceased officers were in effect. This was sometimes accomplished by the carrying of a fictitious man on the army payrolls, with his pay taken for the widows' fund; another method was the commissioning of the deceased soldier's son regardless of the son's age. This English system continued throughout the Colonization of the United States and existed at the time of the American Revolution.

The earliest Colonial legislation occurred in 1624 when Virginia petitioned England to provide for the relief of soldiers injured in fighting the Indians. Pilgrim Colony enacted legislation in 1636 granting lifetime maintenance for those maimed in fighting the Indians. The other Colonies enacted similar legislation. In 1675, Virginia Colony provided relief for the indigent families of those killed by the Indians. The most comprehensive early benefit for surviving families was provided by Maryland in its militia law of November 1673. Provision was made for a "competent" pension during widowhood, the rate being subject to yearly review to determine whether the widow was an object of charity and deserving of a pension. Each locality within the Colony had the responsibility of making actual payment of the pensions.

An example of early eighteenth century legislation was the 1718 Rhode Island law which granted a yearly pension to the relatives of those slain in the Colony's service. The amount payable was determined by Rhode Island's general assembly as that which was "deemed sufficient." These payments continued until the survivors died or were able to subsist or maintain themselves. As in prior laws, the responsibility for actual payment was placed in the hands of the local town councils.

LEGISLATION FROM THE REVOLUTIONARY WAR TO 1917

The economic conditions of inadequate wages, equipment, clothing and food together with the political factors of less than unanimous support for the Revolutionary War, rampant inflation and currency depreciation set the stage for legislation directed solely towards those who served.

HALF PAY TO WIDOWS

The first national legislation benefiting those who served was enacted by the Continental Congress on August 26, 1776. It was intended to encourage enlistments by promising payment to those unable to earn a livelihood due to service-incurred disability. It provided half pay for life to those officers who lost a limb or who, due to service-related disability, were unable to secure a livelihood. Administration and payment of this benefit was left to the individual States, since the Continental Congress had no taxing power. This initial legislation did not make any provision for the families of those killed in battle. During this time, many of the States passed their own legislation due to a lack of faith in the central government. Many of the State legislative acts contained more liberal provisions than that of the Continental Congress by providing for the widows and orphans of those who died in service. Notably in the late 1770's, Virginia and Pennsylvania granted half pay to widows for their lifetime.

GENERAL WASHINGTON LEADS THE WAY

During the late 1770's, the Continental Congress was urged to enact a more liberal system of benefits for officers, their widows and surviving children. The impetus came from the increasing rigors of service, increasing officer dissatisfaction with their

economic plight and increased officer resignations. General Washington led the way in urging passage of legislation that would provide half pay for life to all commissioned officers who served for the duration of the war and that would similarly provide for their widows and orphaned children. On May 5, 1778, Congress voted half pay for 7 years to all commissioned officers who served for the duration, the amount not to exceed the pay of a colonel, and an \$80 gratuity to all soldiers who similarly served. It was not until August 24, 1780, that the half pay provision was extended to include the widows and orphans of commissioned officers who died in service. Again, implementation of these Acts was left to the individual States.

The years from 1780 to 1836 saw the passage of many Federal Acts for the benefit of surviving commissioned officers and private soldiers of the Revolution and the War of 1812. However, legislation relating to the widows of commissioned officers consisted mainly of extensions of the prior 7 year half pay provision, reducing the period to 5 years and extending eligibility to widows of commissioned officers who died as a result of service subsequent to the Revolutionary War. Throughout this period, numerous legislative bills were introduced to benefit the widows of commissioned as well as noncommissioned officers and widows of the private soldiers. It was not until 1836 that legislation was enacted which provided benefits to widows of all Revolutionary War veterans without regard to rank. Initially, provision was made for the payment of benefits in an amount to which the soldier would have been entitled under the June 7, 1832 Act. To qualify, the widow had to have been married to the soldier during the Revolutionary War. Subsequent legislation extended eligibility to those widows who married prior to 1794, later to those married prior to 1800, and finally to all Revolutionary War widows regardless of the date of marriage.

BENEFITS EQUATED TO TOTAL DISABILITY

The history of benefits for survivors of Revolutionary War participants indicates that they were meant to encourage enlistments, promote loyalty, and to prevent desertions and resignations of the officers at militarily critical times. The earliest benefit provisions for the Civil War were in the July 22, 1861 Act, which granted payment of \$100 to the widows of those volunteers who died in service. However, due to the uncertainty surrounding the applicability of other concurrently existent benefit laws, Congress passed the Act of July 14, 1862, which became known as the General Law. This law applied to all who served on or after March 4, 1861, whether they were regulars, volunteers, militia or the Marine Corps. Passage of the Act of July 14, 1862, established a new standard of comprehensiveness and liberality in its provisions for surviving families. Widows of those men who died after March 4, 1861, either in service or after discharge from service-related causes were granted benefits. The rate of payment equaled that granted a totally disabled serviceman, ranging from \$8 a month for those widows of noncommissioned officers and privates in the Army or those of equivalent rank in the Navy, to \$30 a month for those widows of lieutenant colonels or higher rank in the Army and Marine Corps and those of equivalent rank in the Navy. Payment commenced at the death of the serviceman and continued throughout widowhood. This Act was amended in 1866 to provide the widow an additional \$2 a month for each child under age 16 and to extend applicability to all previously granted pensions except Revolutionary War pensions.

During the late 19th century, various laws were enacted by Congress authorizing increased payments to widows of the War of 1812, the War with Mexico and the Civil War. Some of these laws granted widows benefits without the requirement of establishing service-related death. Widows of the War of 1812 were granted \$8 a month for life, as were the widows of the War with Mexico.

The main purpose of the Act of July 25, 1866, was the relief of widows with large dependent families. This was done by providing a widow an additional \$2 per month payment for each dependent child.

The Act of March 19, 1886 amended the General Law System by increasing the rates for all widows on the rolls as of its enactment from \$8 a month to \$12 a month. This Act further provided payment of \$12 a month to any widow subsequently placed on the rolls, provided that she had married the deceased prior to March 19, 1886, or before or while the serviceman was in service.

In 1890, widows of Civil War veterans who had served a minimum of 90 days were granted \$8 a month regardless of whether the veteran's death was service-related. In order to establish eligibility, the widow must have married the veteran prior to the law's enactment and must have been dependent upon her own daily labor for support.

Legislation enacted in 1899 required that, in order to be eligible for benefits under the General Law System, a widow need only have a legally contracted marriage and continuously cohabited with the veteran until his death.

The General Law System was comprehensive in nature and subsequently provided benefits for the widows of those who served in the Spanish American War, the Philippine Insurrection, and the Mexican Border War, as well as all those serving in the Regular Army. In April 1908, all General Law widows became entitled to payments of \$12 a month. A further rate increase occurred in September 1916, when all Civil War widows who had been married during such service became entitled to \$20 a month. This legislation also granted \$20 a month at age 70 to widows of the War of 1812, the War with Mexico and the Civil War. In addition, pensionable status was granted to all Civil War widows who had married the veteran prior to June 27, 1905.

The provisions of the General Law System remained as the principal veteran's legislation until the passage of the War Risk Insurance Act in 1917.

THE WAR RISK INSURANCE ACT OF 1917

In anticipation of claims arising as a result of the United States' entry into World War I, Secretary of the Treasury W.C. McAdoo presented a plan to Congress for a new system of benefits. The proposed program consisted of three principal parts: (1) benefits for dependents of Armed Forces personnel who died during service, and for the dependents of those who died of service-related causes after separation; (2) compensation for service-disabled personnel; and (3) low-cost insurance on a voluntary participation basis. It was not intended to provide benefits to those eligible under the then existing laws.

PERCENTAGE OF PAY REJECTED

The initial proposal was to tie the widow's compensation rate to the deceased's pay grade. Proponents of this position pointed out that the Government had recognized this premise for its civilian employees by the 1916 enactment of the Federal Employees' Compensation Act, which provided survivor benefits based on a percentage of earnings of the deceased where the deceased's death had oc-

curred during the course of employment. However, long and heated debates took place in the House of Representatives regarding the formula for computing the widow's monthly benefit. Many Representatives questioned this approach, as they felt it was discriminatory in nature. Opponents believed that with the advent of compulsory service, the military pay of an individual would not necessarily be reflective of civilian earning capacity prior to entry into service.

The supporters of the percentage of pay provision responded that a distinction between officers and the noncommissioned officers and enlisted men had always been made and was never questioned. They pointed to the fact that, in civilian life, all men do not have the same earnings. The supporters of the provision further expressed the opinion that the scope of an officer's responsibilities warranted higher benefits, even though the private spent just as much and sometimes more of his time fighting.

MILITARY ARISTOCRACY

As the debates continued, there was increased questioning of the advisability of the percentage of pay provision. Opponents expressed the opinion that, upon reading of the proposed legislation, it seems unfair, is not a democratic but an aristocratic measure, a measure framed in the interest of the officers and not in the interest of the private soldiers who do the fighting. Even though the opponents of the percentage of pay provision acknowledged that the manner of life of an officer's family was such that considerable money would be needed to maintain the same social relations after the officer's death, they felt that in this country this could sometimes be true of the private's widow as well, and they feared that such a provision would give rise to a military aristocracy.

Further opposition to the percentage of pay provision was based on the fact that without a limitation on the maximum amount payable to a widow, the amount could, in cases of high ranking officers, reach \$2,000 monthly. Concerns were expressed that this could encourage young women to marry aged officers solely to obtain benefit eligibility, a situation sometimes arising under then existing benefit laws.

FLAT RATE PROPOSAL ENACTED

In mid-September 1917, Representative Black of Texas offered an amendment designed to remove the distinctions and discriminations that he felt were existent in the bill under consideration. The amendment replaced the percentage of pay provision with a flat monthly rate payable to all widows of those who died of service-related causes. Supporters of Representative Black's amendment felt that the percentage of pay proposal struck a blow at the very foundation of democracy; that it represented an attempt to create classes, castes, preferred persons and preferred dependents. They voiced the opinion that the percentage of pay provision was in contravention of the very principles that the United States was fighting for, and would destroy morale and cause dissatisfaction in millions of homes.

Black's flat rate amendment was passed and a \$25 flat rate was incorporated in the War Risk Insurance Act (P.L. 65-90, 1917).

The widow's benefit computation formula controversy was accompanied by one less rigorous in nature as to whether the new widow's benefit program should be applicable to widows of those who died of service-related causes prior to enactment of the new law.

Opposition to a right of election for these widows was based almost totally on cost.

However, eventually the proponents prevailed, and the widows of those who died prior to enactment of the new program were granted the right to elect benefits under the new program and by 1921, virtually all widows of decedents in or resulting from previous conflicts received a flat rate of \$30 per month.

AN INNOVATIVE CHANGE

The nature and character of survivor benefit programs was further altered by a major innovation included in the War Risk Insurance Act—life insurance coverage for Armed Forces personnel, partially underwritten by the Government. A number of factors prompted this innovation: (1) existent commercial life insurance policies generally excluded coverage for death as a result of war; (2) when coverage for death as a result of war was included in commercial policies, the premium rates were so high that most Armed Forces personnel could not afford them; (3) such Government insurance would provide Armed Forces personnel with a needed element of flexibility in providing for their survivors in the event of death in service and would supplement the other death benefits available; and (4) the combination of death compensation and insurance benefits would reduce or eliminate post war demand for pensions.

The draft legislation proposed one year renewable term insurance while in service with continuance on the same basis after separation from service, with participation on a voluntary basis. Initially, policy amounts ranging from \$1,000 to \$5,000 were proposed with the finally agreed upon policy limits set at \$1,000 to \$10,000 in multiples of \$500. Service personnel were given the right to name a beneficiary from within a restricted class of relatives. The beneficiary restriction was based on the fact that the Government was paying a large portion of the cost, and the program was designed to benefit close relatives of the deceased. Much controversy surrounded these insurance proposals.

Commercial insurance companies opposed continuance of such coverage after the war, fearing Government invasion into the private insurance field. They also opposed the policy limits as being too high since the average commercial policy then in force was \$1,800. In addition, the commercial companies were of the opinion that the proposed death compensation benefits based on the percentage of pay provisions were sufficient when viewed in light of the equivalent insurance value. Based on the concept of present net value of an annuity, the percentage of pay provisions provided the equivalent of \$6,500 insurance to a widow entitled to the minimum death compensation rate and the equivalent of \$35,000 to a widow entitled to the maximum death compensation rate. The deletion of the percentage of pay provision largely invalidated this argument.

Those favoring the insurance proposal felt strongly that it would provide service personnel with flexibility in providing for their survivors, the needs of whom were known only to the individual serviceman; that it would greatly benefit survivors of a poorer breadwinner; and, that premium rates should be low to make such insurance coverage attractive and thereby promote the taking of the maximum amount.

The insurance provisions is finally enacted provided for (1) payments at the rate of \$5.75 monthly per \$1,000 of insurance for a guaranteed 240 months and (2) continued coverage as renewable one year term insurance after

separation with the right of the ex-serviceman to convert to a permanent policy.

In summary, the War Risk Insurance Act, with its two major survivor benefit provisions: flat rate death compensation for widows of all grades and low cost insurance, represented a bold effort to revamp what was considered an inefficient and outmoded apparatus. Its supporters expressed confidence that it would meet present and future needs alike.

REINSTATEMENT PROVIDED

In 1920 provisions were made for restoration to the rolls of remarried widows whose subsequent marriages had terminated. A similar provision was enacted in September 1922 regarding remarried widows of the Spanish American War and Chinese Boxer rebellion, and the definition of widow was expanded to include widower where his condition was such that, if the deceased person were living, he would have been dependent upon her for support.

WARTIME—PEACETIME DISTINCTION

The Economy Acts for the early 1930's made little change in the laws relating to service-connected death benefits for widows. However, a distinction was made between deaths occurring as a result of peacetime service and those occurring due to wartime service. Widow's payments for wartime service-related deaths were set at \$30 a month and for peacetime service-related deaths at \$22 per month. It was thought that this distinction was justified because during wartime conscription there was less voluntary "acceptance of risk" than during peacetime, when service was by enlistment only.

AGE-BASED RATES

In the mid and late 1930's, legislation was enacted which provided for a differential in the monthly rate payable to a widow based on attained age. Widows of wartime service-related deaths were entitled to \$30 a month while under age 50, \$35 a month at age 50 and \$40 a month at age 65. Peacetime rates were set at \$22, \$26 and \$30 respectively. During this same period, prior laws that had established entitlement of remarried widows to benefits and those relating to widower's entitlement were repealed.

Early in 1939, members of the Reserves became eligible for such veterans benefits as then existed when they were called into active service for a period of thirty days or more.

FLAT RATES BACK AGAIN

Legislatively, the 1940's had little effect on service-connected death benefits for widows other than to grant increased monthly payments. In 1940, the monthly rate differential based on attained age was repealed. Instead, all widows of wartime service-related deaths became entitled to \$75 a month, and widows of peacetime service-related deaths became entitled to 80% of the wartime rates—\$60 a month. These rates remained in effect until August 1954, when Congress increased the rates to \$87 a month and \$69.60 a month respectively.

DEATH GRATUITY

The six month death gratuity, which had terminated with the War Risk Insurance Act, was reenacted in December 1919. Because it was payable immediately following the death, it was considered extremely important to survivors' adjustment following the death of a serviceman.

INSURANCE

Beginning in the spring of 1919, the one year renewable term insurance issued under

the War Risk Insurance Act became United States Government Life Insurance upon conversion to permanent policies. Initially, the serviceman could designate a beneficiary only from within a restricted class. These restrictions were removed in 1928 because, with the ending of World War I, the cost to the Government was considerably reduced.

This program also provided for a variety of payment methods, including lump-sum, in 36 to 240 monthly installments, or as a monthly life income with either 120 or 240 months guaranteed. Thus, further flexibility of providing for one's survivors was given to Armed Forces personnel. Since the United States Government Life Insurance program was intended to be a peacetime program, characterized by low pressure selling, the enactment of the Selective Service Act in September 1940 gave cause to reappraise the existing insurance program.

The enactment of the National Service Life Insurance program in October 1940 terminated issuance of any new United States Government Life Insurance policies. Beneficiary designation restrictions were reinstated on two grounds: that world conditions could lead to the United States' entry into hostilities, thereby increasing the cost that the Government would have to pay; and, that previous experience had shown that, in many instances, insurance payments under the War Risk Insurance Act had been made to persons the serviceman didn't know and who had no interest in him. The modes of settlement were based on whether the beneficiary was under or over age 30 when the policy proceeds became payable. As with the prior insurance programs, participation was on a voluntary basis with the maximum policy set at \$10,000. Following the end of World War II, the beneficiary designation restrictions were eased for the same reasons as they had been after World War I.

Starting in 1946, various Government agencies examined the existent insurance programs. As a result, a compulsory gratuitous program was recommended, as was terminating the issuance of new policies under the National Service Life Insurance program. This recommendation was based partially on the premise that a compulsory, gratuitous insurance program would eliminate the paperwork attendant to the existent programs and would result in lower administrative costs. In addition, it was felt that the existing program did not really provide the serviceman with flexibility in providing for his survivors, since many servicemen failed to participate while others allowed their beneficiary designations to become outmoded.

With the start of the Korean Conflict in June 1950, Congress began to consider numerous insurance reform proposals. On April 25, 1951, the Servicemen's Indemnity Act became law. It provided for a \$10,000 gratuitous life insurance policy for each serviceman upon entry into service. Beneficiary designation was limited to the widow, child, parents and brothers or sisters. Only one mode of settlement was provided: \$9.29 monthly per \$1,000 coverage payable over a period of 10 years. This new program also provided for the waiver of premiums on United States Government Life Insurance and National Service Life Insurance policies then in effect for those serving on active duty. This provision was to have an important impact on subsequent survivor benefit legislation.

FEDERAL EMPLOYEES' COMPENSATION ACT

This law as enacted in 1916 was intended to be the Workmen's Compensation law for the civilian employees of the Federal Government. On February 28, 1925, the provisions of

the Federal Employees' Compensation Act were extended to cover Navy and Marine Corps Reservists. This extension was prompted by the fact that death benefits for survivors of such persons were not available under the War Risk Insurance Act or the General Law System, and the fact that the Reservists were viewed primarily as civilians, since most of their tours of active duty were short-term in nature. This coverage applied only to Reservists serving in peacetime.

Until 1937, survivors of Reservists were not entitled to Veterans Administration service-related death benefits. Amendatory legislation in 1939 and 1940 extended Federal Employees' Compensation Act benefits first to Army Reservists serving on or after July 15, 1939 and retroactively to those who had served from February 28, 1925. The monthly rate payable to a survivor was computed as a percentage of the deceased's pay at time of death. Initially, the minimum pay used for computation purposes was \$50 per month with the maximum set at \$100.

Between 1916 and 1949, the minimum and maximum rates were increased. However, before 1949, few survivors who were eligible for both Federal Employees Compensation or Veterans Administration death compensation opted for the former, as the Veterans Administration payments were usually greater. However, on October 14, 1949, the minimum wage rate for federal employees' compensation benefit computation purposes was substantially increased to \$150, and the maximum wage rate was eliminated.

Although this legislation limited the monthly rate payable to a survivor to \$425 a month, the survivor benefits payable to those eligible under the Federal Employees' Compensation Act became, generally, greater than the death compensation rate payable by the Veterans Administration. This was particularly true as to survivors of higher ranking officers.

The Korean Conflict was, for purposes of Federal Employees' Compensation Act eligibility, a time of peace. A great number of Reservists were called to active duty during this period and, where death occurred because of such service, most survivors elected Federal Employees' Compensation Act benefits, which were payable at a much higher rate than benefits payable under the Veterans Administration death compensation program.

SOCIAL SECURITY

Initially, limited Social Security coverage was extended to military personnel by legislation enacted on August 10, 1946. Benefits were provided for survivors of ex-service personnel who died within three years after separation, provided that the deceased had at least 90 days service or, if less than 90 days, had been discharged for disability incurred in service. Each eligible person was granted a gratuitous \$160 a month wage credit for benefit computation purposes for each month of service. However, if the survivor was receiving Veterans Administration death benefits based on the deceased's death, no Social Security benefits were payable.

The granting of Social Security coverage was prompted by the view that military service constituted an interruption of civilian employment and the Social Security coverage an individual in service would have probably otherwise enjoyed.

Amendments to the Social Security Act between 1946 and 1955 removed the bar to concurrent receipt of Social Security survivor benefits and Veterans Administration death benefits, and provided stopgap exten-

sions of the periods of service for which the gratuitous \$160 monthly wage credit was applicable. During this time, consideration was repeatedly given by Congress to permanently including military service as employment covered under the Social Security program.

EVOLUTION OF THE CURRENT DIC PROGRAM

On July 16, 1952, Congress created a Committee to study Federal Retirement Policy pursuant to a Bureau of the Budget recommendation that there existed a need for a full consideration and reappraisal of all Government retirement systems. The Committee was headed by Presidential appointee Mr. H. Elliot Kaplan who was from outside the Government.

THE KAPLAN COMMITTEE

The Kaplan Committee concluded that the survivors' benefits pertinent to its study had developed in a piecemeal fashion over the years, with each benefit having been added or changed in response to a particular need or circumstance without regard to the effect on other benefits or on the total benefit structure. The result was a "hodgepodge" of five survivor benefit programs, administered by four Government agencies. These five programs provided benefits that were sometimes duplicative or overlapping. In many instances, a pyramiding of benefits occurred which resulted in a disproportionate amount payable to some survivors while others received an inadequate amount.

The Kaplan Committee's findings and recommendations were reported to the President and Congress early in 1954. In general, the Committee proposed simplification of the existing survivor benefit programs by reducing the number of programs and by designing a system of benefits wherein each component would fulfill a specific purpose which would not be duplicated by any other component [House Report 2682, Part 2, 83rd Congress]. The objective was to encourage enlistments in the Armed Forces by providing survivor benefits comparable with those available in private industry, and providing incentives to those already in service to remain on a career basis. The Kaplan Committee proposed a revised system of benefit programs that would be applicable only where death occurred during military service. Where death occurred due to service related causes after separation, the existent system of benefits, particularly Veterans Administration death compensation, would continue to be applied. Survivor benefits would be computed by taking 80 percent of the first \$100 per month pay and 20 percent of the remainder. Benefit amounts were geared to the deceased's military earnings and length of service because they were considered to be a form of deferred compensation and not a gratuity. The Committee felt that such an approach was consistent with the prevailing Federal civilian employee pension plan and private industry plan policies. The Committee recognized that a minimum level of benefits was needed to insure a basic standard of adequacy. Therefore, their proposals were weighted towards those in the lower pay grades. Another principle set out by the Kaplan Committee was that persons in similar circumstances should be treated equally. They recommended that the monthly death compensation rate payable should be the same whether the deceased died during wartime or peacetime, since the loss to the survivors was no less when death occurred in peacetime.

The Veterans Administration monthly rate structure, as proposed by the Kaplan Committee, provided for much higher payments

than those paid under the existent program and were intended to include an insurance/indemnity factor. They believed this would eliminate the need for continuing Servicemen's Indemnity, and that program was to be terminated. In addition, the new rate structure would be of greater benefit to those who, in the Kaplan Committee's view, should be the sole objects of the Government's obligation—the surviving widow and dependent children. This limitation was considered to be consistent with survivor benefits provided in private industry.

A great deal of controversy surrounded the proposal to relate the widow's monthly death benefit to the deceased's military pay grade, since this concept represented a sharp departure from the existent uniform death compensation rate structure. Proponents expressed the opinion that the existent uniform flat rate structure was inequitable, citing the fact that a widow of the lowest ranking enlisted man received benefits amounting to approximately 88 percent of the deceased's gross monthly pay, whereas the widow of a high ranking officer received approximately 14 percent. Also cited was the fact that, in many instances, a widow of a low ranking enlisted man received benefits in excess of the deceased's gross monthly pay.

Veterans organizations voiced strenuous objections to the proposed widow's benefit computation formula. They reiterated many of the arguments used by those who had favored the flat rate benefit structure that was incorporated in the 1917 War Risk Insurance Act. They considered the proposed formula to be acceptable when there were stable peacetime conditions, because during such periods the Armed Forces was composed mainly of volunteers. However, where the element of compulsion due to the Selective Service Act is present, it was felt that the deceased's military rank bore no relationship to the deceased's preservice earning level or potential future earning capability if he had survived.

SELECT COMMITTEE ON SURVIVOR BENEFITS

The creation of the House of Representatives Select Committee on Survivor Benefits was prompted by both the Kaplan Committee Report and by what was viewed as a maze of administrative details facing the survivors in obtaining their benefits, since applications had to be made to four Government agencies. The Select Committee used the Kaplan Committee recommendations and a June 1954 Department of Defense legislative proposal as starting points. After studying the problem in as much detail as the allotted time permitted, the Committee reported in January 1955 and it would be premature to attempt to draft new survivor benefit legislation or to make any specific legislative recommendations, but that it had concluded that the existent benefit system was inequitable in many cases due to the disparity in the benefits paid, and because it was unduly costly and cumbersome to administer. In early 1955, and 84th Congress passed House Resolution 35 authorizing the continuation of the Select Committee with Representative Porter Hardy, Jr. as its Chairman. The Committee conclude that survivor benefit inequities had lasted for too long a period of time, that a benefit program should be designed which would be reasonable and realistic in its benefit levels and which would provide equitable treatment to all survivors.

By 1955, the Select Committee, developed four proposals as a result of the testimony presented to it:

Death Gratuity: Payment equal to six months basic pay (including special and in-

centive pays) of the deceased but not less than \$800 nor more than \$3,000.

Servicemen's Indemnity: terminate eligibility for future coverage.

Veterans Administration Benefit—Dependency and Indemnity Compensation: provide the widow with a monthly payment at a rate equal to \$100 plus 15 percent of the basic pay of the deceased. No additional monthly amount was payable to a widow for dependent children except where she had more than one child and the deceased's average monthly wage for Social Security benefit computation purposes was less than \$135. In that case, the widow's Veterans Administration payment would be increased by \$20 a month for each child in excess of one. Payment to the widow would continue until her remarriage or death.

Social Security: provide coverage to all Armed Forces personnel on a contributory basis.

Federal Employees' Compensation Act: Eliminate coverage for Reservists whose deaths occur after enactment.

The Select Committee subsequently introduced H.R. 7089, which was substantially the same as the committee's initial draft legislative proposal, although it did contain a revised benefit formula for the computation of a widow's Veterans Administration monthly payment. Under H.R. 7089, a widow's monthly rate would be \$112 plus 12 percent of the deceased's basic pay. This was a compromise formula designed to provide some equality of treatment for all widows, while at the same time giving recognition to the higher earnings of career service personnel and the economic losses sustained by their survivors.

THE BRADLEY COMMISSION

The Bradley Commission established in January 1955 by President Eisenhower was authorized and directed to make a comprehensive survey and appraisal of the United States' laws as they related to all benefits provided to veterans and their dependents. Members of the Commission were appointed by the President from the private sector except for its chairman, General Omar N. Bradley, a former Administrator of the Veterans Administration. It was the expressed hope of President Eisenhower that the Commission's work would result in the orderly development of public policy whereby veterans and their survivors would receive equitable treatment. Overall, the Commission's work was largely duplicative of that being done by the Select Committee of the House during this same time period. The Commission agreed with the conclusion previously reached by the Kaplan Committee and by the Select Committee that the existent benefit program had developed piecemeal over the years.

The Bradley Commission presented its report in April 1956 and strongly approved of the benefit system as contained in H.R. 7089, and urged its passage.

FLAT RATE PLUS PERCENT OF BASIC PAY

Following receipt of the Bradley Commission report, the House Committee on Veterans' Affairs and the Senate Committee on Finance held additional hearings and on August 1, 1956, the 84th Congress passed H.R. 7089, which became Public Law 881 of that Congress. This law marked the introduction of a second system of benefits which fundamentally revised the extent and the nature of benefits payable to widows of those who died in-service, and to widows of those who died from service-related causes after separation from service. The pertinent provisions of Public Law 84-881 were:

Death Gratuity: A gratuity was payable when death occurred in service or when death due to service-related causes occurred within 120 days after separation from service. It was payable to the next of kin, with a surviving spouse having first priority. Payment equaled six months' basic pay (plus special and incentive pays), but not less than \$800 nor more than \$3,000.

Veterans Administration Benefit—Dependency and Indemnity Compensation: DIC became payable for in-service deaths and post-service deaths due to service-related causes occurring after January 1, 1957. A surviving widow's monthly rate was to be computed on a formula of \$112 basic allowance plus 12 percent of the deceased's basic pay. Payment would continue until the widow's remarriage or death. A widow was not entitled to an additional monthly amount for surviving dependent children except where she had two or more children and the deceased's average monthly wage for Social Security benefit computation purposes was less than \$160, the amount required for the deceased to have been in a fully and currently insured status at the time of death.

Federal Employee's Compensation Act: Coverage was terminated for reservists where death occurred after January 1, 1957.

Social Security: Coverage was provided to all Armed Forces personnel on a contributory basis effective January 1, 1957.

The formula for the computation of a widow's monthly Dependency and Indemnity Compensation payment resulted in a rate structure of approximately 220 different rates, with payments ranging from \$122 a month for a new recruit's widow to \$316 a month for a general's widow. Congress believed that the new program would eliminate the confusion attending the availability of survivor benefits under the existent laws, and would provide a realistic and adequate level of payments which were more evenly distributed over the widow's lifetime. It was also thought that payments for children only under social security would result in greater aggregate benefits to the widow while the children were young and the need greatest. In addition, the fundamental principle was that the revised payments would recognize the career serviceman's greater responsibility due to rank and commensurate larger earnings, while providing equitable payment levels to survivors of lower ranking personnel.

The provisions of Public Law 881 had been strenuously supported by President Eisenhower, who urged its enactment as a means of creating a career military service that would be competitive with civilian opportunities and end the wasteful losses from the Armed Forces of highly qualified and expensively trained personnel. The Department of Defense expressed the opinion that this law would provide service personnel with the assurance of financial security for their survivors, and would result in higher morale.

The Dependency and Indemnity Compensation rates for widows of middle ranking military personnel were increased in mid-1958 as the result of a military pay raise affecting these personnel only. In October 1963, Congress increased the basic allowance portion of the widow's benefit computation formula from \$112 monthly to \$120 monthly (P.L. 88-134). The 12 percent basic pay add-on provision was retained. This legislative action resulted in a payment scale that ranged from a minimum of \$130 a month to a maximum of \$335 a month. Subsequently military pay raises in 1964, 1965, 1966 and 1967 resulted in increased monthly Dependency and Indem-

nity Compensation payments that ranged, respectively from \$130 to \$340; \$131 to \$353; \$131 to \$361 and \$132 to \$374.

U.S. VETERANS ADVISORY COMMISSION

In President Johnson's January 1967 message to Congress on Veterans' Affairs, he stated that the continuing soundness of our veterans' programs must be assured. To this end, the President directed the Administrator of Veterans Affairs to conduct a comprehensive study of all programs that provided benefits to veterans and their survivors. A commission was created, composed of 11 members, five of whom were immediate past National Commanders of leading veterans organizations, four were state veterans' service directors, and one a retired military officer. It was headed by Mr. Robert M. McCurdy, former Chairman of the National Rehabilitation Commission of the American Legion. In its March 1968 report to Congress, the Commission noted that military pay raises in 1964, 1965 and 1966 resulted in an uneven distribution of increases in the rates of Dependency and Indemnity Compensation payable to surviving spouses. This was particularly true regarding the Dependency and Indemnity Compensation rates payable to surviving spouses of those in the lowest ranks with the least years of service. The Commission also noted that the increases in Dependency and Indemnity Compensation rates had not kept pace with the increased cost of living since the January 1, 1957 enactment of the Dependency and Indemnity Compensation program. The Commission's report of its findings and recommendations was made to the Administrator of Veterans' Affairs in March 1968, following which it was forwarded to the President and the Congress with the following recommendations:

(1) Increase the widows basic Dependency and Indemnity Compensation allowance from \$120 to \$130, with retention of the 12 percent basic pay add-on;

(2) In the future adjust the basic allowance in accordance with any increase in military pay; and

(3) Pay an additional monthly amount of \$20 to a widow for each surviving dependent child, independent of any Social Security or Railroad Retirement payments.

The Commission's findings and recommendations prompted Congress to consider changes to the DIC program. Congressional hearings were conducted, at which testimony was presented by various government agencies and veterans service organizations. The testimony revealed that because the basic rate was only adjusted once in the 13 years which elapsed since 1956 (PL 84-881), the formula had a warping effect on the widows of the lowest ranking servicemen because of the resultant disproportionate effect of military pay raises on DIC rates. For example, from January 1, 1957 to July 1, 1968, the date of the then latest widows' Dependency and Indemnity Compensation rate increase, the rates payable to widows of the lowest ranking servicemen had increased 12.9 percent; for widows of middle rank, approximately 31.6 percent; and for widows of the highest rank, approximately 64.5 percent. During this same timeframe the Consumer Price Index had increased 33.8 percent. This clearly showed that the existent formula did not provide rate increases to widows of the lower ranks adequate to keep pace with the cost of living, while providing widows of the highest ranking servicemen with increases approximately twice those of the cost of living increases.

These statistics showed that the Dependency and Indemnity Compensation benefit

computation formula did indeed carry out its originally conceived objective of making career military service attractive by providing proportionately greater benefits to survivors of career military personnel. However, because of disparities in the pay raises afforded to military personnel (i.e., they were targeted vs the current across the board procedure), less than adequate benefits were provided to widows of the lowest rank.

Those favoring modification of the widow's benefit computation formula did so on the basis that the existent formula operated as designed during periods of peace, but not during wartime. This was true because peacetime service permitted the promotions and accumulated years of service to occur which were essential to the orderly operation of the Dependency and Indemnity Compensation program. But during wartime, such as the United States' involvement in Vietnam, the program did not provide adequate support to survivors of those civilians called to duty who died within a year or two after entry into service.

The enactment of Public Law 91-96 effective December 1, 1969 substantially revised the widow's benefit computation formula for Dependency and Indemnity Compensation payments. The years of service factor in computing the rate payable to a widow was eliminated. In its place, a fixed monthly rate was assigned for each military rank or pay grade. The flat rate was based on increases in the cost of living since the \$112 and 12 percent formula was established in 1956. This resulted in a payment scale that ranged from \$167 a month for widows of the lowest ranking enlisted personnel to \$426 a month to the widows of the highest ranking officers.

WIDOWS DIC BENEFIT RESTORED

P.L. 91-376 of August, 1970 stated, "The remarriage of the widow shall not bar the furnishing of benefits to her as the widow of the veteran if the remarriage has been terminated by death or has been dissolved by a court with basic authority to render divorce decrees unless the Veterans' Administration determines that the divorce was secured through fraud by the widow or collusion." This then, brought us back to a similar provision which had been in effect in the 1920's and 1930's.

The rates of dependency and indemnity compensation payable to a widow were increased by Congress in 1972, 1974, 1975 and 1976. These increases provided the following respective monthly payments ranging from \$184 to \$469; \$215 to \$549; \$241 to \$615 and \$260 to \$664. In addition, the additional monthly amount payable for each dependent child was increased from \$20 to \$22 in 1972, to \$26 in 1974, to \$29 in 1975 and to \$31 in 1976.

DEJA VA

History once again repeated itself. No sooner was the new system in place than the "pressure for change" prevailed on Congress to reexamine (and hopefully change) the DIC program. As a result, P.L. 94-433 (September 30, 1976) directed the Administrator of Veterans Affairs to conduct a thorough and detailed study of DIC, to measure and evaluate the adequacy of benefits provided under this program, and to determine what extent, benefits should be based on the military grade of the person upon whose death entitlement to DIC was predicated. The Veterans Administration study contained the following comments, findings and recommendations:

"It is clear that the amount of financial loss to dependents of a serviceman or woman who dies on duty is generally related to the deceased's military pay grade. If the depend-

ency and indemnity compensation program is to compensate for loss of earnings, then it is not unreasonable for the benefits rates to reflect to some extent previous military pay levels. For the in-service death of a young draftee who possessed high post-service earning potential, sole reference to low in-service rank may be regarded as inappropriate. Calculating such potential future earnings, however, would undoubtedly be difficult and require an extremely complex payment system which would be delay-producing and difficult to administer.

"The argument can be made that referencing DIC rates to military pay grade is also less applicable in the case of veterans whose deaths occur post-service, perhaps as long as thirty or forty years hence. While their deaths are no less service-connected than a serviceman's, their financial situations at death are less apt to be related to their service pay grades. Evidence of that may be found in the fact that the percentage of veterans who attended college after service does not vary significantly among pay grades.

"Because most of the current dependency and indemnity compensation cases are based upon post-service deaths (61%), it could be argued that consideration should be given to creating separate rates of benefits for survivors of these veterans, either flat rates (analogous to the disability compensation rate structure) which make no reference to service rank or rates somehow tied to the deceased's income at death. Careful analysis, however, reveals that the current dependency and indemnity compensation rate structure is an acceptable compromise between the two extremes of payments based strictly upon service rank, and flat rates which totally ignore service pay grades attained.

"While the present structure is graduated and provides higher rates for the higher service pay grades, it is weighted in favor of the lower grades to assure that survivors have incomes which place them above the national minimum standards of need. The current rate structure compresses the difference in pay rates between an E-1 and an O-10, such that there is much less relative variation in the payable DIC rates than in the military pay grade amounts. DIC payments alone at every pay grade are sufficient to raise a surviving spouse without dependents above the poverty level."

In concluding its report, the VA evaluated four alternative courses of action:

1. **Benefits Based on Pay Grade and Years of Service:** Under this alternative, the DIC rate payable to a surviving spouse would be computed as a specified percentage of the deceased's basic military pay. The deceased's basic pay would be calculated based on his/her pay grade and cumulative years of service.

Advantage: Recognition would be given to the economic status attained by a veteran during his/her military service, similar to that given under Federal Civil Service or private industry survivor benefit plans.

Disadvantages: While possibly equitable to the long-term career soldier, this benefit computation method would disadvantage survivors of both the newly inducted recruits killed in action after only a few months military service, and the veteran with a short period of active military service whose death occurs after return to civilian life. Essentially, this alternative would be a return to the benefit computation formula contained in the original DIC law. Other disadvantages include: administrative cumbersome, since this formula would result

in a multiplicity of monthly rates; and, administrative cost, since each DIC surviving spouse case would require certification of the deceased's basic pay. Additional expense would be required if it were to apply retroactively.

2. **Flat Monthly Rate:** Under this system, a fixed flat monthly rate would be payable to all surviving spouses without regard to the deceased's military pay grade.

Advantages: Would treat all surviving spouses equally. Simplicity of administration. Would recognize that the income of a veteran who dies after service is not necessarily dependent upon military grade attained.

Disadvantages: Essentially, would reinstitute the benefit payment system in effect prior to the enactment of the original DIC law, with the perceived inequities which led to its revision. Would give no recognition to the economic status attained by a veteran during his/her military service. The needs and life style experienced by a colonel's spouse might vary considerably from those experienced by a private's spouse, and a flat rate would not reflect this realization. Could be costly to implement, depending upon the rates set. To get 100 percent of the present beneficiaries to elect it, the new rate would have to be set at the level of the highest DIC rate or above. If set at the mid-point, the cost would be less, but still considerable. If considerable members of beneficiaries had to be "grandfathered," the Veterans Administration would have still another DIC system to administer. As long as these grandfather beneficiaries existed, they would be receiving different treatment from that accorded new beneficiaries.

3. **Four Pay Grade System:** Under this system, the pay grades upon which DIC is based would be reduced from 23 to 4. This could be accomplished by clustering pay grades and having a single DIC rate for each cluster, but paying a higher DIC rate for each higher pay rate cluster. Pay grades, for example, could be clustered as follows: I—Pay Grades E-1 to E-4; II—Pay Grades E-5 to E-9; III—Pay Grades W-1 to O-3; IV—Pay Grades O-4 to O-10.

Advantages: Encourages higher military grade attainment.

Disadvantage: Within a given pay grade class, the rate payable could be greater or lesser than the amount currently payable; grandfathering of those on the rolls would be required to prevent a reduction in the amount currently being received by some.

4. **Retention of Current Benefit Formula:** Under the current formula, the DIC rate computation is based on the deceased's military pay grade as defined in Title 38, United States Code, Section 402, without regard to cumulative years of active service.

Advantages: Retention of the current system would result in no additive costs. It provides a "floor" rate which assures an income above the national minimum standard of need for all beneficiaries, yet recognizes military attainment.

Disadvantage: Is not totally reflective of the economic status attained by the deceased during his/her military service, and is not related to post-service economic status of those who die of service-connected disabilities post-service.

VA DISCUSSION AND RECOMMENDATION

In arriving at its final recommendation, the VA provided the following philosophical discussion:

"As directed by Congress, this study has been aimed at measuring and evaluating the adequacy of DIC benefits, and at determining

whether, or to what extent, benefits should be based upon military pay grade.

"Passing judgment on the adequacy of current DIC benefits requires one to resort to subjectively chosen standards; the current program either is or is not adequate depending upon the yardsticks employed. It may be that there is by definition no one system that will satisfy all. Given the pragmatic imperative of devising a system, however, it is necessary to adopt reasonable compromise.

"It can be argued that this is how the current DIC system has evolved, and that it is a product of continuous refinement. We believe that the scale of rates, as adjusted over the past several years to accommodate changes in the cost of living, fulfills the purposes of this program in a reasonably adequate manner.

"Whether or not survivor's compensation rates should be related to the decedent's military pay grade is a difficult and perhaps impossible question to answer definitively. We have had it both ways. Congress, after exhaustive study, in 1956 adopted the recommendation of a Select Committee on Survivor Benefits to relate DIC benefits to military pay grade. While there are arguments on this issue pro and con, we are of the opinion that there is more justification for continuing the present policy. We would consider it retrogressive to return to a posture once tried and found wanting.

"It is also important to bear in mind the differences in the philosophies that underlie the compensation and pension programs. The former is designed to compensate for loss to veterans for impaired earning capacity, and to survivors for loss of support. Pension, on the other hand, is intended to alleviate the need of those unacceptable income categories.

"Proponents of a flat rate DIC payment to surviving argue that the needs of all such spouses are not dependent upon the pay grade of the deceased. While this is true, in assuring that all eligible beneficiaries have an income which leaves them above the national minimum standard of need, the degree of additional support a survivor would normally anticipate if no death occurred would depend on the socioeconomic attainment of the wage earner. In all of our jurisprudence, tort awards in death cases take cognizance of a decedent's achievements and stature in society. Thus, as intended, DIC compensates for loss of support.

"The question remains as to what extent benefits should be based upon military pay grade. In most annuity programs the relationship is a straight-line, fixed one. However, in these programs, payments are based on actuarial formulae and predicated on contributions to a fund. This situation does not pertain to service personnel, who make no contributions and whose demises may occur abruptly and long before realization of their full earning potentials. Consequently, while we believe that there is reason to take military pay grade into account, we do not believe that total reliance on this variable as a determinant of DIC pay rates is justified.

"The present DIC pay scale represents a judicious compromise which, as compromises go, cannot completely satisfy the advocates of flat DIC rates nor the advocates of DIC rates based on a fixed percentage basis of military pay. It does in the main give appropriate recognition to both philosophies.

"We believe that any significant departure from the current program would not only be costly, but would not, in our opinion, be more equitable than what now exists.

Recommendation: That the present rate structure of DIC is retained, but that provi-

sion be made for continued adjustment as the cost of living and the national minimum standard of need fluctuate."

1991—THE DILEMMA

Perhaps it was inertia or perhaps recognition of the futility of change, but Congress resisted the pressure to modify the DIC program in 1978. For the next 13 years there were numerous increases in DIC and the advocates for change, dissatisfied with the 1978 decision, kept up their relentless criticism of the existent DIC program. There are at least four "bold new initiatives" being sponsored that will, according to the various proponents, perfect the DIC program. That dilemma facing Congress is how to change the program without breaking faith with current beneficiaries, without exceeding budgetary constraints and without once again regenerating pressures for change—an awesome, and Herculean task to say the least.

ROBERT H. ATWELL: HIGHER EDUCATION'S TOP LOBBYIST

Mr. KENNEDY. Mr. President, the Washington Post recently carried a profile of Robert H. Atwell, the president of the American Council on Education [ACE].

As all of the Members of this body know, postsecondary education in the United States is incredibly diverse. There are thousands of institutions, each with a slightly different set of interests and needs. While there are many interest groups representing various segments of the postsecondary education universe, there is only one organization—the American Council on Education—that represents all of these institutions.

Robert Atwell has been president of ACE for the last 7 years. By all accounts, this has been a turbulent time for higher education. Throughout this period, Mr. Atwell has provided steady, thoughtful leadership on a wide variety of complex issues—from athletics to college prices to increasing minority participation in higher education. The members of the Labor Committee have learned that Bob Atwell's insight and judgment on higher education issues are superb.

One area where I have benefited from Bob's leadership is on the issues surrounding college athletics. Even before he assumed the presidency at ACE, he was a champion of reform and improvement in college athletics. Largely through his Herculean efforts, the higher education community began—however tentatively—an effort to reform some of the abuses in intercollegiate athletics long before the public became aware of the extent of the problems. Last year, the Labor Committee worked closely with him as we wrote the Student Right to Know and Campus Security Act. With Bob's help, we wrote a law that, I believe, assures that students and their families have easy access to vitally important consumer information without creating an excessive paperwork burden on the institutions.

Thanks to Bob Atwell's leadership, higher education is well represented in Washington. Given the wide range of complex public policy issues facing higher education these days, America's colleges and universities are fortunate to have him in this position. I hope that, as a result of the Post article, the vitally important role that he plays will be more widely appreciated.

Mr. President, I would like to have a copy of this article printed in the RECORD so that all of my colleagues will be sure to see it.

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

MOVERS AND SHAKERS: HIGHER EDUCATION'S TOP LOBBYIST

(By Kenneth J. Cooper)

Amid uproar over a new government ban on minority scholarships, Robert H. Atwell calmly suggested that a federal agency "change its position on sober reflection." A week later, it did: A revise policy imposed a partial ban four years hence.

A dissatisfied Atwell went to work on Lamar Alexander, then newly nominated to be education secretary. In public and private, Atwell pressed Alexander to revoke the latest policy and order a thorough review once he took office. And that's exactly what Alexander did.

Atwell's effective lobbying in the past year for minority scholarships—a controversial issue yet to be finally resolved—has demonstrated the influence he wields as the designated spokesman for higher education in Washington. U.S. colleges and universities are one organization claims to represent them all—public or private, land grant or liberal arts, two-year or four-year. That is the American Council on Education, of which Atwell has been president since 1984.

In that role, Atwell has raised his voice on such education issues as student aid programs, intercollegiate athletics and minorities on campus. In times of controversy, he has spoken out and raised the profile of the council, a coalition of more than 200 higher education groups that, before his tenure, had functioned more as a quiet coordinating body.

A couple of years ago, for instance, Atwell endorsed separate federal aid programs for profitmaking trade-school students because they default on federally guaranteed loans more often than college students do. In a testy response, trade-school leaders noted that the institutions they represent pay taxes, while colleges do not. Atwell's proposal became moot when the new chairman of the House Education and Labor Committee, Rep. William D. Ford (D-Mich.), succinctly rejected it.

Atwell also waged a running battle of words with William J. Bennett when he was education secretary under President Reagan. Bennett questioned the educational value of a contemporary college education and argued that schools boosted tuition only because they knew federal aid would make up the difference. Atwell challenged the factual basis for this suggestion of greed. "Yeah, I took him on," he recalled.

Bennett has a different memory: "If I was saying the condition of higher education was very serious, he was saying it was a mild headache."

But the issue that Atwell has become most closely identified with is the recruitment, retention and fair treatment of minority stu-

dents. In 1988, the council launched what has come to be known as its "minority initiative," a research and advocacy effort to increase the minority presence on the nation's campuses. The council, which has released an annual report on minorities in higher education since the early 1980s, has made the initiative its top priority in part because of population trends that indicate racial minorities will comprise one-third of high school graduates by the year 2000.

Last spring, Atwell stepped forward to oppose Alexander when the education secretary challenged the cultural diversity standards of the Middle States Association of Colleges and Schools, the accrediting body for the mid-Atlantic region, including Maryland and the District. "For me, diversity is a defensible ingredient of educational quality and thus defensible as an accreditation standard," Atwell said.

Alexander charged that the accrediting standards for diversity among students, professors and trustees threatened to create racial quotas while undermining academic freedoms and specialized colleges. As with the minority scholarship issue that surfaced last December, Alexander's final decision on diversity standards is pending.

Atwell acknowledges that his stance on the accreditation issue does not reflect unanimity among the nation's colleges.

"I know perfectly well . . . that there are many of our members who don't agree with the stand we've taken on Middle States accreditation," Atwell said in a recent interview. "But I think you have to, in these jobs, strike a delicate balance between leading and representing. If you only represent, you're gonna be a little mushy."

But there have been some muted noises from One Dupont Circle, where the council and many higher education groups have offices, suggesting that Atwell and the council have been paying too much attention to minority concerns. He acknowledges those criticisms too.

"I don't let that bother me," Atwell said. He noted that the impetus for the minority initiative actually came from Frank Rhodes, president of Cornell University, when he was chairman of the council's board. The current chairman, Robert L. Albright, is president of Johnson C. Smith University, a historically black college in Charlotte, N.C.

There have been times, however, when the council's politics have dictated that Atwell take a low profile on a controversial issue. For instance, he has had little to say in public about "political correctness," a broad slogan used by conservative commentators to describe such campus trends as racial-ethnic diversity, multicultural coursework, offensive speech codes and academic theories such as literary deconstructionism.

Atwell, 60, has negotiated such political battles with the political savvy and knowledge of government and academia that he gained as a former college administrator and federal bureaucrat.

He grew up the son of a Presbyterian minister in Beaver Falls, Pa., a steel town north of Pittsburgh. After undergraduate study at the College of Wooster in Ohio, he was drafted during the Korean War and served as an Army typist in Germany. Afterwards, he received a master's degree in public administration at the University of Minnesota and completed doctoral courses in political science there.

Atwell came to Washington in 1957 for his first jobs. He did two stints crunching numbers at the old Bureau of the Budget (now the Office of Management and Budget), one

as a development loan officer at the State Department and another at the National Institute of Mental Health working on community clinics.

In 1965, he left the government to become a vice chancellor at the University of Wisconsin and stayed five years, spending much of his time handling anti-war protests. His memories of the period differ from those of college administrators who typically felt embattled during those times. But Atwell, like the protesters, opposed U.S. involvement in the Vietnam war.

"I found it a very exhilarating period," he said. "There were some pretty crazy kids, but not very many. Overwhelmingly, it involved students who were quite idealistic . . . I had a lot of friends on the other side of the barricades, if you will—faculty friends and student friends. It all ended badly at Madison when a [history] building got blown up. That actually happened almost literally the day I left."

Atwell moved to California to become the second president of Pitzer College, one of six Claremont colleges east of Los Angeles. There he wrestled with the racial issues confronting historically white colleges as the first wave of minority students arrived, thanks to the civil rights movement. In this instance, Atwell has some second thoughts.

"We had a very high proportion at Claremont of black and Hispanic students . . . and most of them lived in black and Hispanic corridors in the dorms and ate at black tables in the dining hall," he recalled. "I've often thought that we really didn't do the right thing by a lot of those people, because they really lived a very isolated existence within this predominantly white campus."

In 1978, Atwell left Pitzer to become executive vice president of the American Council on Education. He was hired as president in 1984 after Jack W. Peltason left to become chancellor of the University of California at Irvine. Two years ago, the council signed Atwell to a second five-year contract.

During his seven years as president, Atwell said, the council has achieved his initial goal of becoming more of a presence on higher education issues.

"I felt we needed to be a bit more aggressive and have a higher profile and take some risks that went along with that," he said. "Being a little controversial from time to time was necessary."

JUSTICE ROBERT HARWOOD: A LEGACY OF SERVICE TO ALABAMA

Mr. SHELBY. Mr. President, Alabama recently lost one of its most dedicated and devoted citizens with the untimely death of retired Alabama Supreme Court Justice Robert Bernard Harwood.

One word could easily define Justice Harwood's life: service. Born in Eutaw in 1902, Justice Harwood graduated from the University of Alabama in 1922, received his law degree from the University of Alabama in 1926, and earned an LL.M. degree from Harvard in 1932. Justice Robert Harwood was first elected to public service as a member of the Alabama State Legislature from Tuscaloosa for a 4-year term in 1926. After 2 years as an assistant U.S. attorney, he became the Democratic nominee for Alabama attorney general in May 1942. However, before his election in Novem-

ber, he entered the military and was temporarily replaced by an assistant until he returned home from service in World War II on September 1, 1945. Justice Harwood's leadership skills and commitment served him well as Alabama's attorney general for 40 days, the shortest tenure of any elected attorney general in the history of the State.

He resigned from the attorney general's office on October 10, 1945, and accepted an appointment to the Alabama Court of Appeals where he served for 17 years, 7 of them as presiding judge.

In 1962, he was elected an associate justice of the Alabama Supreme Court and served in that office until his retirement in 1974. His career also included maintaining a private law practice in Tuscaloosa and 7 years as a professor at the University of Alabama School of Law.

My thoughts are with Justice Harwood's family, especially his son Bernard of Tuscaloosa; his daughter, Eve Harwood Rickerson of Falls Church, VA; and his three grandsons, Robert Bernard Harwood III and Richard Scott Harwood, both of Tuscaloosa, and William Harwood Rickerson of Falls Church, VA.

Justice Robert Bernard Harwood devoted his life to serving the people of the State of Alabama. His spirit of dedication and community involvement made him a role model for all of us who knew him. Through a lifetime of kindness and generosity to those in need, he made Alabama and America a better place to live.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,432d day that Terry Anderson has been held captive in Lebanon.

On October 28, Terry Anderson's sister, Peggy Say, thanked U.N. Secretary General Javier Perez de Cuellar for his efforts to bring her brother and the other hostages held in Lebanon home. Mr. President, I ask unanimous consent that an Associated Press report of her remarks be included in the RECORD at this time.

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

ANDERSON'S SISTER THANKS U.N. CHIEF FOR EFFORTS

UNITED NATIONS.—Peggy Say, sister of hostage Terry Anderson, said she is more optimistic than ever that all Western captives will be freed by the end of the year.

She spoke Oct. 28 after thanking U.N. Secretary General Javier Perez de Cuellar for his efforts to free all detainees in the Middle East, including her brother and seven other Westerners in Lebanon.

"The secretary-general assured me that all the parties that need to cooperate to bring this to an end are indeed cooperating" she said.

"They think the process is going to continue and they are very hopeful that by the

end of the year, all people who are held against their will in the Middle East will go free, including the Western hostages."

She said she had "total and complete confidence" in Perez de Cuellar and his chief Mideast envoy, who returned from the Middle East after arranging an exchange of Arab detainees for Jesse Turner, an American.

Perez de Cuellar has been trying to arrange a swap of the eight Westerners in Lebanon for about 300 Arab prisoners held by Israel and its proxy militia, the South Lebanon Army.

"The secretary-general personally has a determination that this situation will be over with before he leaves office" on Dec. 31, she said.

Anderson, the chief Middle East correspondent of The Associated Press, turned 44 on Oct. 27, spending his seventh birthday in captivity. He was kidnapped March 16, 1985 and is the longest-held Western hostage.

THE 71ST BIRTHDAY OF THE SHREVEPORT SUN

Mr. JOHNSTON. Mr. President, I recognize and salute today on the occasion of its 71st birthday the Shreveport Sun, a weekly newspaper founded in 1920 to fill a void in the news coverage in my hometown of Shreveport, LA.

Arthur Miller once said, "A good newspaper, I suppose, is a nation talking to itself." I believe this is true. Newspapers speak to and to some degree shape the ideas and ideals of the many components of our society.

But this was not always the case. Unfortunately, in the not-so-distant past, minority interests and concerns were often neglected by the news media.

The Sun, founded by the late M.L. Collins, Sr., has been not only a unifying voice for its readers, but a force for public enlightenment, for constructive change and for progress throughout the entire community.

At age 71, and at a time when many papers suffer declining circulation, the Sun continues to grow, continues to thrive as a strong voice for the community which has sustained it for 71 years.

I applaud the invaluable contribution the Shreveport Sun has made to all of Shreveport, and I wish it continued success in its next 71 years of publication.

TRIBUTE TO RALPH M. PAIEWONSKY

Mr. JOHNSTON. Mr. President, I was saddened to learn of the death on November 9 of Ralph Paiewonsky, the former Governor of the U.S. Virgin Islands, a lifelong champion of the people of those islands, and a man whom I regard as a dear personal friend.

Ralph Paiewonsky was appointed Governor of the Virgin Islands by President Kennedy in 1961 and remained in that office for 8 years, bringing an uncommon brand of leadership, vision, and dedication to that position.

One of his grandest ambitions for the residents of the islands, realized in the

very first year of his service as Governor, was the creation of the College of the Virgin Islands.

Throughout his tenure as Governor and for all his remaining days, he fought tirelessly and effectively to promote the institution and to fully realize the potential it offered for the education and advancement of those it served throughout the Caribbean.

Those who have watched the College of the Virgin Islands attain the level of excellence it enjoys today and the countless generations to come whose lives will be enriched by this institution owe a great deal of gratitude to Ralph Paiewonsky. The College of the Virgin Islands will stand as a lasting and fitting monument to him.

I know firsthand of Ralph Paiewonsky's devotion to that cause and to the many others he undertook on behalf of the people of the Virgin Islands, both as a public servant and as a private citizen. I worked with him closely on those matters for nearly two decades, dating back to my appointment in 1973 as chairman of what was then the Committee on Interior and Insular Affairs' Subcommittee on Territories. His judgment and counsel to me over the course of nearly two decades were invaluable. His friendship to me throughout the years is something I will cherish always.

Today has been declared a day of mourning for the people of the Virgin Islands in memory of Ralph Paiewonsky. It is a day of mourning for all of us who had the good fortune to know him and to count him as a friend.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

OLDER AMERICANS ACT REAUTHORIZATION AMENDMENTS OF 1991

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to consideration of S. 243, which the clerk will report.

The legislative clerk read as follows: A bill (S. 243) to revise and extend the Older Americans Act of 1965, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 243) to revise and extend the Older Americans Act of 1965, and for other purposes, which had been reported from the Committee on Labor and Human Resources, with an amendment to strike all after the enacting clause, and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Older Americans Act Reauthorization Amendments of 1991".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TABLE OF CONTENTS

- Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. References.

TITLE I—OBJECTIVES AND DEFINITIONS

- Sec. 101. Objectives.
Sec. 102. Definitions.

TITLE II—ADMINISTRATION

- Sec. 201. Administration on Aging.
Sec. 202. Functions of Commissioner.
Sec. 203. Federal agency consultation.
Sec. 204. State agency consultation.
Sec. 205. Federal Council on the Aging.
Sec. 206. Interagency Task Force on Aging.
Sec. 207. Administration.
Sec. 208. Evaluation.
Sec. 209. Reports by Commissioner.
Sec. 210. Study of effectiveness of State Long-Term Care Ombudsman Programs.
Sec. 211. Commissioner.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

SUBTITLE A—GENERAL PROVISIONS

- Sec. 301. Purpose of grants for State and community programs on aging.
Sec. 302. Authorization of appropriations.
Sec. 303. Allotment.
Sec. 304. Organization.
Sec. 305. Area plans.
Sec. 306. State plans.
Sec. 307. Transfer of funds between programs.
Sec. 308. Disaster relief reimbursements.
Sec. 309. Availability of surplus commodities.

SUBTITLE B—SUPPORTIVE SERVICES AND SENIOR CENTERS

- Sec. 311. Supportive services.

SUBTITLE C—NUTRITION SERVICES

- Sec. 321. Congregate nutrition services.
Sec. 322. Home delivered nutrition services.
Sec. 323. Congregate nutrition services and intergenerational activities.
Sec. 324. Senior nutrition.

SUBTITLE D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

- Sec. 331. Grants for supportive activities for certain individuals who provide in-home services to frail older individuals.
Sec. 332. In-home services.

SUBTITLE E—PREVENTIVE HEALTH SERVICES

- Sec. 341. Program authorized.
Sec. 342. Definition.

SUBTITLE F—PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION

- Sec. 351. Repeal.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

- Sec. 401. Priorities for grants and discretionary projects.
Sec. 402. Purposes of education and training projects.

Sec. 403. Grants and contracts for education and training projects.

Sec. 404. Multidisciplinary centers of gerontology.

Sec. 405. Demonstration projects.

Sec. 406. Special projects in comprehensive long-term care.

Sec. 407. Supportive services in federally assisted housing demonstration program.

Sec. 408. Neighborhood senior care program.

Sec. 409. Long-Term Care Ombudsman demonstration projects.

Sec. 410. Housing ombudsman demonstration program.

Sec. 411. Authorization of appropriations.

Sec. 412. Payments of grants for demonstration projects.

Sec. 413. Responsibilities of Commissioner.

TITLE V—OTHER OLDER AMERICANS PROGRAMS

SUBTITLE A—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

- Sec. 501. Older American Community Service Employment Program.
Sec. 502. Coordination.
Sec. 503. Authorization of appropriations.

SUBTITLE B—GRANTS FOR NATIVE AMERICANS

- Sec. 511. Indian program coordination.
Sec. 512. Native Hawaiian coordination.
Sec. 513. Payments.
Sec. 514. Grants for Native Americans.

TITLE VI—ELDER RIGHTS SERVICES

- Sec. 601. Vulnerable elder rights protection activities.
Sec. 602. Ombudsman programs.
Sec. 603. Programs for prevention of abuse, neglect, and exploitation.
Sec. 604. State elder rights and legal assistance development programs.
Sec. 605. Outreach, counseling, and assistance programs.
Sec. 606. Technical and conforming amendments.

TITLE VII—PENSION PROGRAMS

- Sec. 701. Short title.
Sec. 702. Definitions.
Sec. 703. Entitlement to annuity.
Sec. 704. Computation of annuity.
Sec. 705. Applications.
Sec. 706. Administrative appeals.
Sec. 707. Judicial review.
Sec. 708. Payment of annuities.
Sec. 709. Interagency coordination and cooperation.
Sec. 710. Regulations.
Sec. 711. Program funding.
Sec. 712. Effective date.

TITLE VIII—OTHER PROGRAMS

SUBTITLE A—LONG-TERM HEALTH CARE WORKERS

- Sec. 801. Definitions.
Sec. 802. Information requirements.
Sec. 803. Reports.
Sec. 804. Occupational code.

SUBTITLE B—NATIONAL STUDENT LUNCH ACT
Sec. 811. Meals provided through adult day care centers.

SUBTITLE C—WHITE HOUSE CONFERENCE ON AGING

- Sec. 821. Authorization of the conference.
Sec. 822. Authorization of appropriations.

TITLE IX—GENERAL PROVISIONS

Sec. 901. Effective dates; application of amendments.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—
(1) there is a need to consolidate and expand State responsibility for the development, coordination, and management of statewide programs

and services directed toward ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights; and

(2) recent program reports and current research and demonstration findings indicate that—

(A) the incidence of elder abuse in domestic settings is estimated at approximately 1,500,000 cases per year;

(B) only one out of eight cases of elder abuse comes to the attention of State elder abuse reporting systems;

(C) half of the complaints received by the State Long-Term Care Ombudsman program relate to abuse, neglect, and exploitation of residents of long-term care facilities;

(D) approximately 2,000,000 older individuals reside in an estimated 90,000 long-term care facilities;

(E) older individuals residing in long-term care facilities are among the most frail and most vulnerable elderly persons in the United States;

(F) the advocacy services of the State Long-Term Care Ombudsman program, in conjunction with the services of legal assistance providers, are essential to protecting and enhancing the rights of residents of long-term care facilities;

(G) more than persons in any other age group, older individuals rely on public benefit programs and services to meet income, housing, and health and supportive services needs;

(H) benefits and protections for older individuals have expanded under Federal laws such as—

(i) the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.);

(ii) the Military Retirement Reform Act of 1986 (Public Law 99-348; 100 Stat. 682);

(iii) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(iv) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);

(v) sections 1819 and 1919 of the Social Security Act, regarding nursing home reform (42 U.S.C. 1395i-3 and 1396r);

(vi) section 1924 of the Social Security Act, regarding spousal impoverishment (42 U.S.C. 1395f-5);

(vii) the Cranston-Gonzales National Affordable Housing Act of 1990 (Public Law 101-625; 104 Stat. 4079); and

(viii) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(I) a wide range of State legislative action has occurred in the area of elder rights, including legislative action regarding guardianship reform, insurance regulation, consumer protection, and the development of procedures for surrogate decisionmaking and advanced directives;

(J) the Federal laws described in subparagraph (H) and the State laws resulting from the legislative action described in subparagraph (I) are complex and constitute a difficult challenge for older individuals who wish to take advantage of the benefits the laws provide;

(K) the appropriate utilization of public benefit programs requires consumer knowledge of entitlements and skill in understanding complex Federal, State, and local laws and regulations;

(L) there is growing evidence of the need to provide outreach, counseling, and assistance to older individuals on—

(i) the public benefits to which they are entitled, including benefits under—

(I) the supplemental security income, medicare, and medicaid programs established under the Social Security Act (42 U.S.C. 1381 et seq., 1395 et seq., and 1396 et seq.);

(II) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

(III) the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.); and

(ii) the options available to the persons for public and private insurance, including health,

long-term care, and life insurance, and retirement benefits;

(M) it is estimated that only half of older individuals eligible for benefits under the supplemental security income program are currently enrolled;

(N) it is estimated that only half of older individuals eligible for food stamps receive assistance; and

(O) it is estimated that less than half of older individuals eligible for benefits under the medicare program are currently enrolled.

(b) PURPOSES.—The purposes of this Act are to—

(1) assist States in securing and maintaining for older individuals dignity, security, privacy, the exercise of individual initiative, access to resources and benefits to which the individuals are entitled by law, and protection from abuse, neglect, and exploitation;

(2) require States to undertake a comprehensive approach in developing and maintaining elder rights programs;

(3) authorize States to undertake State level activities in support of programs that—

(A) are administered by State agencies, area agencies on aging, other public agencies, non-profit agencies and organizations, and volunteers; and

(B) focus on securing and protecting the rights and benefits of older individuals;

(4) require States to administer elder rights programs and services authorized by this Act in a comprehensive and coordinated manner;

(5) require States to give priority to protecting the rights of, and securing and maintaining benefits and services for, older individuals with the greatest economic or social need;

(6) require States, in making grants and entering into contracts to carry out programs to protect elder rights, to give preference as appropriate to area agencies and other entities with a proven track record in performing elder rights activities;

(7) authorize States—

(A) to plan and develop programs and systems of individual representation, investigation, advocacy, protection, counseling, and assistance, for older individuals; and

(B) to coordinate and administer State and local activities for the protection and representation of older individuals, including—

(i) activities for prevention of, and protection against, abuse, neglect, and exploitation;

(ii) legal assistance;

(iii) long-term care ombudsman services;

(iv) benefits counseling and assistance; and

(v) other such outreach activities;

(8) require the State agency to submit annually to the Commissioner on Aging and to other appropriate State agencies a report of elder rights activities and issues, including an analysis of data regarding elder rights based on—

(A) reports of abuse, neglect, or exploitation;

(B) complaints regarding long-term care or from residents of long-term care facilities;

(C) reports of consumer fraud and abuse;

(D) reports of requests for and the provision of emergency protective services;

(E) reports of legal assistance and advocacy required to provide protection; and

(F) reports regarding the failure of older individuals to secure benefits for which the persons are eligible; and

(9) require the State agency to provide public information, education and training, and technical assistance to older individuals, family members of older individuals, and service providers, regarding—

(A) the rights of older individuals;

(B) the means available to secure and protect the rights; and

(C) ways of assisting older individuals in making informed choices.

SEC. 3. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

TITLE I—OBJECTIVES AND DEFINITIONS

SEC. 101. OBJECTIVES.

Section 101(4) (42 U.S.C. 3001(4)) is amended by inserting “, including support to family members and other persons providing voluntary care to older individuals needing long-term care services” after “homes”.

SEC. 102. DEFINITIONS.

(a) DEFINITIONS.—Section 102 (42 U.S.C. 3002) is amended by adding at the end the following new paragraphs:

“(13) The term ‘abuse’ means the willful—
“(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain or mental anguish; or

“(B) deprivation by an individual, including a caretaker, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

“(14) The term ‘Administration’ means the Administration on Aging.

“(15) The term ‘aging network’ means—

“(A) the network of agencies established in section 305, including the Administration, State agencies, and area agencies on aging; and

“(B) persons that—
“(i) are providers of direct services to older individuals; and

“(ii) receive funding under this Act.

“(16) The term ‘area agency on aging’ means an agency designated under section 305(a)(2)(A) by a State agency.

“(17) The term ‘caretaker’ means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, as a result of family relationship, or by order of a court of competent jurisdiction.

“(18) The term ‘conflict of interest’ means—

“(A) a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

“(B) an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

“(C) employment by, or participation in the management of, a long-term care facility; or

“(D) the receipt, or right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility.

“(19) The term ‘elder abuse’ means abuse of an older individual.

“(20) The term ‘exploitation’ means the illegal or improper act or process of an individual, including a caretaker, using the resources of an older individual for monetary or personal benefit, profit, or gain.

“(21) The term ‘focal point’ means a facility established to encourage the maximum collocation and coordination of services for older individuals.

“(22) The term ‘greatest economic need’ means the need resulting from an income level at or below the poverty line.

“(23) The term ‘greatest social need’ means the need caused by noneconomic factors, which include—

“(A) physical and mental disabilities;

“(B) language barriers; and

“(C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that—

“(i) restricts the ability of an individual to perform normal daily tasks; or

"(ii) threatens the capacity of the individual to live independently.

"(24) The term 'information and assistance service' means a service for older individuals that—

"(A) provides the individuals with current information on all opportunities and services available to the individuals within their communities, including information relating to assistive technology;

"(B) assesses the problems and capacities of the individuals;

"(C) links the individuals to the opportunities and services that are available;

"(D) ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate followup procedures; and

"(E) serves the entire community of older individuals, particularly individuals with the greatest social and economic need.

"(25) The term 'legal assistance'—

"(A) means legal advice and representation by an attorney to older individuals with economic or social needs; and

"(B) includes—

"(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney; and

"(ii) counseling or representation by a nonlawyer where permitted by law.

"(26) The term 'long-term care facility' means—

"(A) any skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a));

"(B) any nursing facility, as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396(a));

"(C) any institution regulated by a State in accordance with section 1616(e) of the Social Security Act (42 U.S.C. 1382e(e)) for purposes of sections 307(a)(12) and 712; and

"(D) any other adult care home similar to a facility or institution described in subparagraphs (A) through (C).

"(27) The term 'neglect' means—

"(A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or

"(B) the failure of a caretaker to provide the goods or services.

"(28) The term 'older individual' means any individual who is 60 years of age or older.

"(29) The term 'physical harm' means bodily pain, injury, impairment, or disease.

"(30) The term 'planning and service area' means an area specified by a State agency under section 305(a)(1)(E).

"(31) The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget, and revised annually by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

"(32) The term 'State agency' means the State agency designated by a State under section 305(a)(1).

"(33) The term 'unit of general purpose local government' means—

"(A) a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions; or

"(B) an Indian tribal organization."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Sections 102(2), 201(c)(1), 211, 301(b)(1), 402(a), 411(b), 503(a), and 505(a) (42 U.S.C. 3002(2), 3011(c)(1), 3020b, 3021(b)(1), 3030bb(a), 3031(b), 3056a(a), and 3056c(a)) are amended by striking "Administration on Aging" and inserting "Administration".

(2) Section 201(a) (42 U.S.C. 3011(a)) is amended in the first sentence by striking—

(A) "(hereinafter in this Act referred to as the 'Administration')"; and

(B) "(hereinafter in this Act referred to as the 'Commissioner')".

(3) Section 302 (42 U.S.C. 3022) is amended—

(A) by striking paragraphs (2) through (7), (9), (11), and (14) through (21);

(B) by redesignating paragraph (8) as paragraph (2); and

(C) by redesignating paragraph (10) as paragraph (3).

TITLE II—ADMINISTRATION

SEC. 201. ADMINISTRATION ON AGING.

(a) COORDINATION.—Section 201(c)(3) (42 U.S.C. 3011(c)(3)) is amended—

(1) in subparagraph (B), by inserting ", with particular attention to services provided to Native Americans by the Indian Health Service" after "affecting older Native Americans";

(2) in subparagraph (F), by inserting ", including information on Native American elder abuse, in-home care, health problems, and other problems unique to Native Americans" after "Native Americans";

(3) by striking "and" at the end of subparagraph (G);

(4) by striking the period at the end of subparagraph (H) and inserting "; and"; and

(5) by adding at the end the following new subparagraph:

"(I) promote coordination between programs established under titles III and VI, including the sharing of information among grantees of the programs such as information involving the purposes and implementation of any training or technical assistance grants or contracts involved in the programs."

(b) OFFICE OF LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 201 is amended by adding at the end the following new subsection:

"(d)(1) As used in this subsection:

"(A) The term 'Associate Commissioner' means the Associate Commissioner for Ombudsman Services.

"(B) The term 'eligible individual' means an individual, if—

"(i) the individual does not have, and in the preceding 2-year period did not have, a conflict of interest; and

"(ii) no member of the immediate family of the individual has, or in the preceding 2-year period had, a conflict of interest.

"(C) The term 'Office' means the Office of Long-Term Care Ombudsman Programs.

"(2) There is established in the Administration an Office of Long-Term Care Ombudsman Programs.

"(3)(A) The Office shall be headed by an Associate Commissioner for Ombudsman Services appointed by the Commissioner from among eligible individuals who have—

"(i) training in, or knowledge regarding—

"(I) gerontology, long-term care, health care, or social service programs that are relevant to meeting the needs of residents of long-term care facilities;

"(II) legal systems, the delivery of legal assistance, community services, and organizations that are involved in activities relating to long-term care;

"(III) program management skills and complaint and dispute resolution techniques, including skills and techniques relating to investigation, negotiation, and mediation; and

"(IV) long-term care advocacy; and

"(ii) technical or professional level experience with residents of long-term care facilities.

"(B) No person shall be appointed Associate Commissioner if—

"(i) the person has been employed within the previous 2 years by—

"(I) a long-term care facility;

"(II) a corporation that owned or operated a long-term care facility; or

"(III) an association of long-term care facilities; or

"(ii) the person or any member of the immediate family of the person has a conflict of interest.

"(4) The Associate Commissioner shall—

"(A) serve as an effective and visible advocate on behalf of older individuals who reside in long-term care facilities, within the Department of Health and Human Services and with other departments and agencies of the Federal Government, regarding all Federal policies affecting the individuals;

"(B) review and make recommendations to the Commissioner regarding—

"(i) the approval of the provisions in State plans submitted under section 307(a) or section 705 that relate to State Long-Term Care Ombudsman programs; and

"(ii) the adequacy of State budgets and policies relating to the programs;

"(C) after consultation with State Long-Term Care Ombudsmen and the State agencies, make recommendations to the Commissioner regarding—

"(i) policies designed to assist State Long-Term Care Ombudsmen; and

"(ii) methods to periodically monitor and evaluate the operation of State Long-Term Care Ombudsman programs, to ensure that the programs satisfy the requirements of section 307(a)(12) and section 712, including provision of service to residents of board and care facilities, and of other similar adult care homes;

"(D) keep the Commissioner and the Secretary fully and currently informed about—

"(i) problems relating to State Long-Term Care Ombudsman programs; and

"(ii) the necessity for, and the progress toward, solving the problems;

"(E) review, and make recommendations to the Secretary and the Commissioner regarding, existing and proposed Federal legislation, administrative regulations, and other policies, regarding the operation of State Long-Term Care Ombudsman programs;

"(F) make recommendations to the Commissioner and the Secretary regarding the policies of the Administration, and coordinate the activities of the Administration with the activities of other Federal entities, State and local entities, and nongovernmental entities, relating to State Long-Term Care Ombudsman programs;

"(G) supervise the activities carried out under the authority of the Administration that relate to State Long-Term Care Ombudsman programs; and

"(H) make recommendations to the Commissioner regarding the operation of the National Ombudsman Resource Center established under section 202(a)(21)."

SEC. 202. FUNCTIONS OF COMMISSIONER.

(a) CENTERS; AGING NETWORK; INFORMATION AND ASSISTANCE; LEGAL ASSISTANCE.—Section 202(a) (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (19) by striking "and" at the end;

(2) in paragraph (20) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(21)(A) establish a National Ombudsman Resource Center and, by grant or contract, operate such center to assist State Long-Term Care Ombudsmen and the representatives of the Ombudsmen in carrying out State Long-Term Care Ombudsman programs effectively under section 307(a)(12) and section 712 by—

"(i) providing technical assistance, training, and other means of assistance;

"(ii) analyzing laws, regulations, policies, and actions with respect to which comments made

under section 712(a)(3)(G)(i) are submitted to the center; and

"(iii) providing assistance in recruiting and retaining volunteers for State Long-Term Care Ombudsman programs by establishing a national program for recruitment efforts that utilizes the organizations that have established a successful record in recruiting and retaining volunteers for ombudsman or other programs; and

"(B) make available to the Center not less than the amount of resources made available to the Center for fiscal year 1991;

"(22) establish a National Aging Data Center and, directly or by grant or contract, operate the Center to—

"(A) annually compile, analyze, publish, and disseminate—

"(i) statistical data collected under paragraph (19);

"(ii) census data on aging demographics; and

"(iii) data from other Federal agencies on—

"(I) the health, social, and economic status of older individuals; and

"(II) the services provided to older individuals;

"(B) biannually compile, analyze, publish, and disseminate statistical data collected on the functions, staffing patterns, and funding sources of State agencies and area agencies on aging;

"(C) analyze the data collected under section 201(c)(3)(F) by the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging;

"(D) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers, regarding State and local data collection and analysis; and

"(E) be a national resource on statistical data regarding aging;

"(23) serve, with State agencies and area agencies on aging, as the focal point for developing and maintaining a national aging network that ensures a responsive community-based services system to assist older individuals throughout the United States;

"(24) establish information and assistance services as priority services for the aged and aging;

"(25) develop guidelines for area agencies on aging to follow in choosing and evaluating providers of legal assistance; and

"(26) develop guidelines and a model job description for choosing and evaluating legal assistance developers."

(b) COMMUNITY-BASED LONG-TERM CARE PROGRAM.—Section 202(b) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) participate in all departmental and interdepartmental activities to provide a leadership role for the Administration, State agencies, and area agencies on aging in the development and implementation of a national community-based long-term care program for older individuals."

(c) VOLUNTEER SERVICE COORDINATORS.—Section 202(c) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2)(A) In executing the duties and functions of the Administration under this Act and carrying out the programs and activities provided for by this Act, the Commissioner shall act to encourage and assist the establishment and use of—

"(i) area volunteer service coordinators, as described in section 306(a)(11), by area agencies on aging designated under section 305(a)(2)(A); and

"(ii) State volunteer service coordinators, as described in section 307(a)(32), by State agencies designated under section 305(a)(1).

"(B) The Commissioner shall provide technical assistance to the State and area volunteer service coordinators."

(d) NATIONAL CENTER ON ELDER ABUSE.—Section 202 is amended by adding at the end the following new subsection:

"(d)(1) The Commissioner shall establish and operate a National Center on Elder Abuse.

"(2) In operating the Center, the Commissioner shall—

"(A) annually compile, publish, and disseminate a summary of recently conducted research on elder abuse, neglect, and exploitation;

"(B) develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

"(C) compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

"(D) provide technical assistance to State agencies and to other public and nonprofit private agencies and organizations to assist the agencies and organizations in planning, improving, developing, and carrying out programs and activities relating to the special problems of elder abuse, neglect, and exploitation; and

"(E) conduct research and demonstration projects regarding the causes, prevention, identification, and treatment of elder abuse, neglect, and exploitation.

"(3)(A) The Commissioner shall carry out paragraph (2) through a grant or contract.

"(B) The Commissioner shall issue criteria for programs receiving funding through a grant or contract under this subsection.

"(C) The Commissioner shall establish research priorities for making grants or contracts to carry out paragraph (2)(E) and, not later than 60 days before the date on which the Commissioner establishes such priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

"(4) The Commissioner shall make available to the Center such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the Center for fiscal year 1991."

(e) OBLIGATION.—Not later than January 1, 1992, the Commissioner shall obligate, from the funds appropriated under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) for fiscal year 1992—

(1) to carry out section 202(a)(21) of such Act (as added by subsection (a)(3) of this section), not less than the amount made available in fiscal year 1991 under such Act for making grants and entering into contracts to establish and operate National Ombudsman Resource Centers; and

(2) to carry out section 202(d) of such Act (as added by subsection (d) of this section), not less than the amount made available in fiscal year 1991 under such Act for making grants and entering into contracts to establish and operate National Centers on Elder Abuse.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Paragraphs (2)(A) and (4) of section 306(a) and sections 307(a)(9), 422(c)(3), 614(a)(6), and 624(a)(7) (42 U.S.C. 3026(a)(2)(A) and (4), 3027(a)(9), 3035a(c)(3), 3057e(a)(6), and 3057j(a)(7)) are amended by striking "information and referral" each place the term appears and inserting "information and assistance".

SEC. 203. FEDERAL AGENCY CONSULTATION.

Section 203(a) (42 U.S.C. 3013(a)) is amended to read as follows:

"(a)(1) The Commissioner, in carrying out the purposes and provisions of this Act, shall advise, consult with, and cooperate with, the head of each Federal agency or department proposing or administering programs or services substantially related to the purposes of this Act, with respect to such programs or services. In particular, the Commissioner shall advise, consult, and cooperate with the Department of Labor in carrying out title V, and with ACTION in carrying out the Act.

"(2) The head of each Federal agency or department proposing to establish programs and services substantially related to the purposes of this Act shall consult with the Commissioner prior to the establishment of such programs and services. The head of each Federal agency administering any program substantially related to the purposes of this Act, particularly administering any program set forth in subsection (b), shall, to achieve appropriate coordination, consult and cooperate with the Commissioner in carrying out such program. In particular, the Department of Labor shall consult and cooperate with the Commissioner in carrying out the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

"(3) The head of each Federal agency administering programs and services substantially related to the purposes of this Act shall collaborate with the Commissioner in carrying out this Act, and shall develop a written analysis, for review and comment by the Commissioner, of the impact of such programs and services on—

"(A) the elderly, with particular attention to low-income minority older individuals; and

"(B) the functions and responsibilities of State agencies and area agencies on aging."

SEC. 204. STATE AGENCY CONSULTATION.

Title II is amended by inserting after section 203 (42 U.S.C. 3013) the following new section:

"SEC. 203A. STATE AGENCY CONSULTATION.

"The Commissioner shall consult and coordinate with State agencies in the development of Federal goals, regulations, program instructions, policies, and procedures under this Act."

SEC. 205. FEDERAL COUNCIL ON THE AGING.

(a) ESTABLISHMENT.—Section 204(a) (42 U.S.C. 3015(a)) is amended—

(1) in paragraph (1), by striking the second sentence; and

(2) in paragraph (2), by striking "1984" and inserting "1991".

(b) CLASSES.—Section 204(b) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

"(A)(i) 15 members shall be appointed to the Federal Council on the Aging for terms commencing January 1, 1992, of which—

"(I) 5 members, who shall be referred to as class 1 members, shall serve for terms of 1 year, ending on December 31, 1992;

"(II) 5 members, who shall be referred to as class 2 members, shall serve for terms of 2 years, ending on December 31, 1993; and

"(III) 5 members, who shall be referred to as class 3 members, shall serve for terms of 3 years, ending on December 31, 1994.

"(ii) 5 members shall be appointed to the Federal Council on the Aging in 1993 and each subsequent year, for terms commencing on January 1 of the year in which the members are required to be appointed and ending on December 31 of the second year beginning after the year in which the members are required to be appointed.

"(iii) Members appointed in 1993 and each third year thereafter shall be referred to as class 1 members. Members appointed in 1994 and each third year thereafter shall be referred to as class 2 members. Members appointed in 1995 and each third year thereafter shall be referred to as class 3 members.

"(iv) Members shall serve without regard to the provisions of title 5, United States Code,"; and

(2) in paragraph (2), by adding at the end the following new sentence: "The term of such a successor shall expire on the date that the term of other members of the class of the successor expires."

(c) **REPORTS.**—Section 204(f) is amended by striking "such interim reports as it deems advisable" and inserting "interim reports".

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 204(g) (42 U.S.C. 3015(g)) is amended by striking "\$210,000" and all that follows and inserting "\$255,000 for fiscal year 1992, \$268,000 for fiscal year 1993, \$281,000 for fiscal year 1994, and \$295,000 for fiscal year 1995."

SEC. 206. INTERAGENCY TASK FORCE ON AGING.

Title II is amended by inserting after section 204 (42 U.S.C. 3015) the following new section:

"SEC. 204A. INTERAGENCY TASK FORCE ON AGING.

"(a) **IN GENERAL.**—There is established an Interagency Task Force on Aging (referred to in this section as the "Task Force").

"(b) **DUTIES.**—The Task Force shall coordinate aging policies and programs among the agencies represented on the Task Force.

"(c) **MEMBERSHIP.**—

"(1) **COMPOSITION.**—The Task Force shall be composed of the Commissioner and one member from each Federal agency that administers programs specified in section 203(b), appointed by the head of the agency.

"(2) **QUALIFICATIONS.**—Each member of the Task Force shall hold a position within the agency from which the member is appointed and report directly to the head of the agency.

"(d) **CHAIRPERSON.**—The Commissioner shall serve as the Chairperson of the Task Force.

"(e) **GENERAL POWERS.**—The Task Force is authorized to enter into such contracts and other arrangements, make such expenditures, and take such other actions, as the Task Force may determine to be necessary to carry out the duties of the Task Force.

"(f) **OBTAINING INFORMATION FROM FEDERAL AGENCIES.**—The Commissioner may secure directly from any Federal agency such information as the Task Force may require to carry out its duties.

"(g) **USE OF MAIL.**—The Task Force may use the United States mails in the same manner and under the same conditions as Federal agencies.

"(h) **EXPERTS AND CONSULTANTS.**—The Commissioner may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Task Force determines to be necessary to carry out the duties of the Task Force.

"(i) **DETAIL OF FEDERAL EMPLOYEES.**—On the request of the Commissioner, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Administration to assist the Task Force in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(j) **TECHNICAL ASSISTANCE.**—On the request of the Commissioner, the head of a Federal agency shall provide such technical assistance to the Task Force as the Task Force determines to be necessary to carry out its duties."

SEC. 207. ADMINISTRATION.

Section 205(e) (42 U.S.C. 3016(e)) is amended by inserting before the period at the end the following: "for each of the fiscal years 1992 through 1995".

SEC. 208. EVALUATION.

Section 206(a) (42 U.S.C. 3017(a)) is amended by inserting "including the Federal Council on the Aging," after "by this Act."

SEC. 209. REPORTS BY COMMISSIONER.

(a) **DEADLINE.**—Section 207 (42 U.S.C. 3018) is amended—

(1) in subsection (b)(1), by striking "January 15" and inserting "March 1"; and

(2) by adding at the end the following new subsection:

"(d)(1)(A) The Commissioner shall establish a task force to develop recommendations identifying—

"(i) a core data set to be collected by the Administration to comply with section 202(a)(19);

"(ii) data to be collected by the Administration to comply with section 202(a)(22)(B); and

"(iii) supplementary data to be collected by the Administration on a sample basis.

"(B) The task force shall be composed of members appointed by the Commissioner from among individuals who are—

"(i) representatives of State agencies and area agencies on aging;

"(ii) service providers; and

"(iii) persons with expertise in data collection procedures.

"(C) The task force shall submit a report to the Commissioner containing the recommendations described in subparagraph (A).

"(2)(A) The Commissioner shall develop a proposal for a revised system to collect the data described in clauses (i) through (iii) of paragraph (1)(A), based on the recommendations described in paragraph (1)(A). The proposal shall specify a standardized nomenclature, definitions, and methodology for the system, to ensure uniform national data reporting, and a reasonable implementation period for the system.

"(B) Not later than September 30, 1992, the Commissioner shall submit a report to the appropriate committees of Congress containing the proposal described in subparagraph (A).

"(C) After soliciting and considering public comment on the revised system described in subparagraph (A), the Commissioner shall implement the system.

"(3) The Commissioner shall provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers regarding State and local data collection and analysis."

SEC. 210. STUDY OF EFFECTIVENESS OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.

Not later than July 1, 1993, the Commissioner on Aging shall, in consultation with State agencies and State Long-Term Care Ombudsmen, directly, or by grant or contract, conduct a study, and submit a report to the committees specified in section 207(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(2)), analyzing separately with respect to each State—

(1) the availability of services, and the unmet need for services, under the State Long-Term Care Ombudsman programs in effect under section 307(a)(12) (42 U.S.C. 3028(a)(12)) and section 712 of such Act (as added by section 602 of this Act), to residents of long-term care facilities;

(2) the effectiveness of the program in providing the services to the residents, including residents of board and care facilities, and of other similar adult care homes;

(3) the adequacy of Federal and other resources available to carry out the program on a statewide basis in each State;

(4) compliance and barriers to such compliance of the States in carrying out the programs;

(5) any actual and potential conflicts of interest in the administration and operation of the programs; and

(6) the need for and feasibility of providing ombudsman services to older individuals utilizing noninstitutional long-term care and other health care services, by analyzing and assessing current State agency practices in programs in which the State Long-Term Care Ombudsmen provide services to individuals in settings in addition to long-term care facilities, taking into account variations in—

(A) settings where services are provided;

(B) the types of clients served; and

(C) the types of complaints and problems handled.

SEC. 211. COMMISSIONER.

Section 5315 of title 5, United States Code, is amended by adding at the end the following: "Commissioner on Aging, Department of Health and Human Services."

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

Subtitle A—General Provisions

SEC. 301. PURPOSE OF GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING.

Section 301(a) (42 U.S.C. 3021(a)) is amended to read as follows:

"(a)(1) It is the purpose of this title to encourage and assist State agencies and area agencies on aging to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated service systems to serve older individuals by entering into new cooperative arrangements in each State with the persons described in paragraph (2), for the planning, and for the provision of, supportive services, and multipurpose senior centers, in order to—

"(A) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

"(B) remove individual and social barriers to economic and personal independence for older individuals;

"(C) provide a continuum of care for the vulnerable elderly; and

"(D) secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

"(2) The persons referred to in paragraph (1) include—

"(A) State agencies and area agencies on aging;

"(B) other State agencies, including agencies that administer home and community care programs;

"(C) Indian tribes, tribal organizations, and Native Hawaiian organizations;

"(D) the providers, including voluntary organizations, or other private sector organizations, of supportive services, including nutrition services and multipurpose senior centers; and

"(E) organizations representing or employing older individuals or their families."

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Section 303 of the Act (42 U.S.C. 3023) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "(1)"; and

(ii) by striking "\$379,575,000" and all that follows through "fiscal year 1991," and inserting "\$461,376,000 fiscal year 1992, \$484,455,000 for fiscal year 1993, \$508,667,000 for fiscal year 1994, and \$534,100,000 for fiscal year 1995"; and

(B) by striking paragraphs (2) and (3);

(2) in subsection (b)—

(A) in paragraph (1), by striking "\$414,750,000" and all that follows through "fiscal year 1991" and inserting "\$504,131,000 for fiscal year 1992, \$529,338,000 for fiscal year 1993, \$555,805,000 for fiscal year 1994, and \$583,595,000 for fiscal year 1995";

(B) in paragraph (2), by striking "\$79,380,000" and all that follows through "fiscal year 1991" and inserting "\$96,487,000 for fiscal year 1992, \$101,311,000 for fiscal year 1993, \$106,376,000 for fiscal year 1994, and \$111,695,000 for fiscal year 1995"; and

(C) by adding at the end the following new paragraph:

"(3) There are authorized to be appropriated \$20,000,000 for fiscal year 1992, and such sums as

may be necessary for each of the fiscal years 1993 through 1995 to carry out subpart 3 of part C of this title (relating to congregate nutrition services and intergenerational activities of schools).";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "parts B and C" and inserting "part B, and subparts 1 and 2 of part C,"; and

(B) in paragraph (2), by inserting "under subparts 1 and 2 of part C" after "nutrition services";

(4) in subsection (d)—

(A) by inserting "(1)" after the subsection designation;

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph)—

(i) by inserting "subpart 1 of" after "grants under"; and

(ii) by striking "\$25,000,000" and all that follows through "fiscal year 1991" and inserting "\$45,388,000 for fiscal year 1992, \$46,907,000 for fiscal year 1993, \$48,503,000 for fiscal year 1994, and \$50,178,000 for fiscal year 1995"; and

(C) by adding at the end the following new paragraph:

"(2) There are authorized to be appropriated \$15,000,000 for fiscal year 1992, \$16,000,000 for fiscal year 1993, \$17,000,000 for fiscal year 1994, and \$18,000,000 for fiscal year 1995 to carry out subpart 2 of part D (relating to supportive activities for individuals who provide in-home services).";

(5) in subsection (e), by striking "Subject to subsection (h)," and all that follows through "1990 and 1991" and inserting "There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1992 through 1995"; and

(6) by striking subsection (f), and inserting the following new subsection:

"(f) There are authorized to be appropriated \$25,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 1995 to carry out part F (relating to disease prevention and health promotion services).";

(b) **CONDITIONAL APPROPRIATIONS; VOLUNTEER SERVICE COORDINATORS.**—Section 303 (42 U.S.C. 3023) is amended—

(1) by striking subsections (g) and (h); and

(2) by adding at the end the following new subsections:

"(g) Grants made under any authority of this title may be used for paying for the costs of providing for an area volunteer services coordinator, as described in section 306(a)(11), or a State volunteer services coordinator, as described in section 307(a)(32).

"(h) No funds may be appropriated under subsection (b)(3) for a fiscal year unless the amounts appropriated for subparts 1 and 2 of part C, respectively, exceed 100 percent of the amounts appropriated for fiscal year 1990 for subparts 1 and 2 of part C."

SEC. 303. ALLOTMENT.

(a) **MINIMUM ALLOTMENT.**—Section 304(a)(3) (42 U.S.C. 3024(a)(3)) is amended to read as follows:

"(3) No State shall be allotted, from the amount appropriated pursuant to section 303(d)(2), less than \$50,000 for any fiscal year."

(b) **WITHHOLDING OF ALLOTMENTS.**—Section 304(c) is amended by inserting "or the Commissioner does not approve the funding formula required under section 305(a)(2)(C)" after "requirements of section 307".

(c) **LONG-TERM CARE OMBUDSMAN PROGRAM.**—Section 304(d)(1)(B) is amended to read as follows:

"(B) such amount as the State agency determines to be adequate for conducting an effective State Long-Term Care Ombudsman program under section 307(a)(12) shall be available for

paying up to 85 percent of the cost of conducting the program under this title";

SEC. 304. ORGANIZATION.

(a) **PLANNING; CONSULTATION; LOW-INCOME MINORITY GOALS AND FOCUS.**—Section 305(a) (42 U.S.C. 3025(a)) is amended—

(1) in paragraph (1), by striking subparagraph (C) and inserting the following new subparagraph:

"(C) be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the purposes of this Act"; and

(2) in paragraph (2)—

(A) in subparagraph (C), by inserting "and after consultation with area agencies on aging within the State" after "by the Commissioner";

(B) in subparagraph (D), by striking "for review and comment" and inserting "for approval";

(C) by striking "and" at the end of subparagraph (E);

(D) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(E) by adding at the end the following new subparagraph:

"(G)(i) set specific goals, in consultation with area agencies on aging, for each planning and service area for providing services funded under this title to low-income minority older individuals;

"(ii) provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals; and

"(iii) provide a description of the efforts described in clause (ii) that will be undertaken by the State agency."

(b) **PROCEDURES; REVIEW OF BOUNDARIES.**—Section 305(b) is amended—

(1) in paragraph (5), by adding at the end the following new subparagraph:

"(C)(i) A State agency shall establish and follow appropriate procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to—

"(I) revoke the designation of the area agency on aging under subsection (a);

"(II) designate an additional planning and service area in a State; or

"(III) to divide the State into different planning and services areas.

"(ii) The procedures described in clause (i) shall include procedures for—

"(I) providing notice of an action or proceeding described in clause (i);

"(II) documenting the need for the action or proceeding;

"(III) conducting a public hearing for the action or proceeding;

"(IV) involving area agencies on aging, service providers, and older individuals in the action or proceeding; and

"(V) allowing an appeal of the decision of the State agency in the action or proceeding to the Commissioner.

"(iii) An adversely affected party involved in an action or proceeding described in clause (i) may bring an appeal described in clause (ii)(V) on the basis of—

"(I) the facts and merits of the matter that is the subject of the action or proceeding; or

"(II) procedural grounds.

"(iv) In deciding an appeal described in clause (ii)(V), the Commissioner may affirm or set aside the decision of the State agency. If the Commissioner sets aside the decision, and the State agency has taken an action described in subclauses (I) through (III) of subparagraph (C)(i), the State agency shall nullify the action."; and

(2) by adding at the end the following new paragraph:

"(6) Each State agency shall periodically review and evaluate the boundaries of planning and service areas within the State, taking into consideration changing demographics and the views of older individuals, service providers and recipients, State and local elected officials, other human services officials, area agencies on aging, and the general public."

(c) **FUNDING FORMULAS.**—Section 305(d) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a comma; and

(3) by adding at the end the following new paragraphs:

"(5) if the formula does not take into account the incidence of low-income and minority individuals in the State, the reasons that inclusion of the incidence is unnecessary, and

"(6) if the formula does not take into account the incidence of individuals residing in rural areas in the State, in accordance with a standard definition of rural areas specified by the Commissioner, the reasons that inclusion of the incidence is unnecessary."

(d) **APPROVAL OF FORMULA.**—Section 305 is amended by adding at the end the following new subsection:

"(e) A State shall not be eligible for grants from the allotment of the State under section 304 until the formula required by subsection (a)(2)(C) is approved by the Commissioner. The Commissioner shall approve any State formula that the Commissioner finds fulfills the requirement of the Act. The Commissioner shall not make a final determination disapproving the formula of any State for distribution of funds received under this title without first affording the State reasonable notice and opportunity for a hearing of the type afforded States under section 307."

SEC. 305. AREA PLANS.

(a) **GOALS FOR LOW-INCOME MINORITY INDIVIDUALS.**—Section 306(a)(5) (42 U.S.C. 3026(a)(5)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking "preference will be given to" and inserting "the area agency on aging will set specific goals for"; and

(ii) by striking "with particular attention" and inserting "include specific objectives for providing services";

(B) in clause (ii)—

(i) by striking "and" at the end of subclause (I); and

(ii) by adding at the end the following new subclause:

"(III) meet specific goals, established by the area agency on aging, for providing services to low-income minority individuals within the planning and service area; and"; and

(C) in clause (iii)—

(i) by striking "and" at the end of subclause (I); and

(ii) by adding at the end the following new subclause:

"(III) provide information on the extent to which the area agency on aging met the goals described in clause (i)";

(2) by adding "and" at the end of subparagraph (B); and

(3) by adding at the end the following new subparagraph:

"(C) contain an assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals";

(b) **COORDINATION; HOUSING ARRANGEMENTS.**—Section 306(a)(6) (42 U.S.C. 3026(a)(6)) is amended—

(1) by striking subparagraph (H) and inserting the following new subparagraph:

"(H) establish effective and efficient procedures for coordination of—

"(i) entities conducting programs that receive assistance under this Act within the planning and service area served by the agency; and

"(ii) entities conducting other Federal programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b), within the area";

(2) by striking "and" at the end of subparagraph (O);

(3) by striking subparagraph (P); and

(4) by adding at the end the following new subparagraphs:

"(P) establish an informal grievance procedure for older individuals who are dissatisfied with or denied services under this title, with further appeal to the appropriate area agency on aging;

"(Q) in providing legal assistance, give priority to legal problems related to income, health care, long-term care, nutrition, housing and utilities, defense of guardianship, abuse and neglect, and age discrimination; and

"(R) where possible, assist organizations that provide housing to older individuals (including public and private housing authorities, and organizations that provide housing in accordance with the program established under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q)), in order to provide leadership in the development and expansion of adequate housing, support services, and living arrangements for older individuals";

(c) EXPENDITURES UNDER IN-HOME SERVICES PROGRAMS.—Section 306(a)(7) (42 U.S.C. 3026(a)(7)) is amended—

(1) by inserting "subpart 1 or 2 of" after "received under"; and

(2) by striking "such part" and inserting "such subpart".

(d) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 306(a) is amended—

(1) by striking "and" at the end of paragraph (9); and

(2) by striking paragraph (10) and inserting the following new paragraph:

"(10) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 1991 in carrying out such a program under this title";

(e) VOLUNTEERS TO ASSIST OLDER INDIVIDUALS; PUBLIC DISCLOSURE; RELATIONSHIP WITH PRIVATE SECTOR; ASSURANCES OF COORDINATION AND ACCESS.—Section 306(a) (42 U.S.C. 3026(a)) (as amended by subsection (d) of this section) is further amended by adding at the end the following new paragraphs:

"(11) if appropriate, provide for an area volunteer services coordinator, who shall—

"(A) encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs of the elderly within the planning and service area;

"(B) encourage, organize, and promote the use of older individuals as volunteers to local communities within the area; and

"(C) promote the recognition of the contribution made by volunteers to programs administered under the area plan;

"(12)(A) describe all activities of the area agency on aging, whether funded by public or private funds; and

"(B) provide an assurance that the activities conform with—

"(i) the responsibilities of the area agency on aging, as set forth in this subsection; and

"(ii) the laws, regulations, and policies of the State served by the area agency on aging;

"(13)(A) provide an assurance that any relationship between the area agency on aging and the private sector shall be related to the purposes of this Act in accordance with State policies; and

"(B) contain a description of all activities involving such a relationship to ensure public accountability;

"(14) provide an assurance that the area agency on aging will coordinate programs under this title and title VI where applicable; and

"(15)(A) provide an assurance that the area agency on aging will pursue activities to increase access by older Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, where applicable; and

"(B) specify the ways in which the area agency on aging intends to implement the activities";

(f) WITHHOLDING OF AREA FUNDS.—Section 306 is amended by adding at the end the following new subsection:

"(e) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this title. If a State agency withholds the funds, the State agency may use the funds withheld to directly administer programs under this title in the planning and service area served by the area agency on aging, until the area agency on aging takes corrective action and the corrective action is approved by the State agency.".

SEC. 306. STATE PLANS.

(a) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 307(a) (42 U.S.C. 3027(a)) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this part."

(b) USE OF FUNDS; NUTRITION EDUCATION AND SANITARY HANDLING OF MEALS.—Section 307(a)(13) (42 U.S.C. 3027(a)(13)) is amended—

(1) in subparagraph (B), by inserting "(other than under section 303(b)(3))" after "available under this title";

(2) by striking "and" at the end of subparagraph (H);

(3) by striking the period at the end of subparagraph (I) and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(J) each nutrition project shall provide nutrition education on at least a quarterly basis to participants in the congregate and home delivered nutrition services programs described in subparts 1 and 2, respectively; and

"(K) each project must comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older person."

(c) LEGAL PROBLEMS.—Section 307(a)(15) (42 U.S.C. 3027(a)(15)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) the plan contains assurances that area agencies on aging will give priority to legal problems related to income, health care, long-term care, nutrition, housing and utilities, defense of guardianship, abuse and neglect, and age discrimination."

(d) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 307(a)(16) (42 U.S.C. 3027(a)(16)) is amended by striking ", if funds are not appropriated under section 303(g) for a fiscal year, provide that" and inserting "provide".

(e) EXPENDITURES UNDER STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 307(a) is amended by striking paragraph (21) and inserting the following new paragraph:

"(21) The plan shall provide assurances that the State agency, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount expended by the agency in fiscal year 1991 in carrying out such a program under this title."

(f) ELDER RIGHTS STATE PLAN.—Section 307(a) is amended by striking paragraph (30) and inserting the following new paragraph:

"(30) The plan shall provide assurances that the State has submitted, or will submit, a State plan under section 705."

(g) REQUIREMENTS.—Section 307(a) is amended—

(1) by striking paragraph (31); and

(2) by adding at the end the following new paragraphs:

"(31) The plan shall provide assurances that if the State receives funds appropriated under section 303(d)(2), the State agency and area agencies on aging will expend such funds to carry out subpart 2 of part D.

"(32)(A) If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 306(a)(11), the State plan shall provide for a State volunteer services coordinator, who shall—

"(i) encourage area agencies on aging to provide for area volunteer services coordinators;

"(ii) coordinate the volunteer services offered between the various area agencies on aging;

"(iii) encourage, organize and promote the use of older individuals as volunteers to the State;

"(iv) provide technical assistance, which may include training, to area volunteer services coordinators; and

"(v) promote the recognition of the contribution made by volunteers to the programs administered under the State plan.

"(B) If fewer than 50 percent of the area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator described in subparagraph (A).

"(33) The plan shall provide assurances that special efforts will be made to provide technical assistance to minority service providers.

"(34) The plan—

"(A) shall include the statement and the demonstration required by paragraphs (2) and (4) of section 305(d); and

"(B) may not be approved unless the Commissioner approves such statement and such demonstration.

"(35) The plan shall require the establishment of a State advisory group to continuously advise the State agency on all matters relating to the development of the State plan, the administration of the State plan, and operations conducted under the plan.

"(36) The plan shall provide an assurance that the State agency will coordinate programs under this title and title VI where applicable.

"(37) The plan shall—

"(A) provide an assurance that the State agency will pursue activities to increase access by older Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, where applicable; and

"(B) specify the ways in which the State agency intends to implement the activities."

SEC. 307. TRANSFER OF FUNDS BETWEEN PROGRAMS.

Section 308(b) (42 U.S.C. 3028(b)) is amended by striking paragraphs (4) and (5) and adding at the end the following new paragraphs:

"(4)(A) Notwithstanding any other provision of this title, a State agency may elect to transfer, between subparts 1 and 2 of part C, not more than 30 percent of the amount that is allotted to the State from the funds appropriated under paragraphs (1) and (2) of section 303(b), for use as the State agency considers appropriate to meet the needs of the areas served.

"(B) A State agency that elects to make a transfer described in subparagraph (A) shall indicate the election in the information submitted to comply with section 307(a)(13).

"(5)(A) A State agency that desires to transfer, between subparts 1 and 2 of part C, more than 30 percent of the amount described in paragraph (4)(A) shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(B) At a minimum, the application described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the services from which the funding will be transferred. The Commissioner shall approve or deny the application in writing.

"(6)(A) Notwithstanding any other provision of this title, a State agency may elect to transfer, between parts B and C, not more than 30 percent of the amount that is allotted to the State from the funds appropriated under subsections (a) and (b) of section 303, for use as the State agency considers appropriate to meet the needs of the areas served.

"(B) A State agency that elects to make a transfer described in subparagraph (A) shall notify the Commissioner of any such election.

"(7) A State agency may not delegate to an area agency on aging or any other entity the authority to make a transfer described in paragraph (4)(A), (5)(A), or (6)(A).

"(8) The Commissioner shall annually collect, and include in the report required by section 207(a), data regarding the transfers described in paragraphs (4)(A), (5)(A), and (6)(A), including—

"(A) the amount of funds involved in the transfers, analyzed by State;

"(B) the rationales for the transfers;

"(C) in the case of transfers described in paragraphs (4)(A) and (5)(A), the effect of the transfers of the provision of services, including the effect on the number of meals served, under—

"(i) subpart 1 of part C; and

"(ii) subpart 2 of part C; and

"(D) in the case of transfers described in paragraph (6)(A)—

"(i) in the case of transfers to part B, information on the supportive services, or services provided through senior centers, for which the transfers were used; and

"(ii) the effect of the transfers on the provision of services provided under—

"(I) part B; and

"(II) part C, including the effect on the number of meals served."

SEC. 308. DISASTER RELIEF REIMBURSEMENTS.

Section 310(a) (42 U.S.C. 3030(a)) is amended—

(1) in paragraph (1), by striking "supportive services" and inserting "supportive supplies and services"; and

(2) by adding at the end the following new paragraph:

"(3) The Commissioner shall advance to a State up to 75 percent of the funds available for relief of a disaster not later than 5 working days after the President declares the disaster as described in paragraph (1)."

SEC. 309. AVAILABILITY OF SURPLUS COMMODITIES.

Section 311 (42 U.S.C. 3030a) is amended—

(1) in the first sentence of subsection (a)(4), by striking "shall maintain" and all that follows through "1991", and inserting "shall maintain a level of assistance of 56.76 cents per meal, which shall be adjusted on an annual basis on October 1 of each year to the nearest one-fourth cent, in accordance with changes in the series for food away from home, of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor, for the 12-month period ending on July 1 of the preceding year"; and

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking "\$151,000,000" and all that follows through "1991" and inserting "\$220,000,000 for fiscal year 1992, \$235,000,000 for fiscal year 1993, \$250,000,000 for fiscal year 1994, and \$265,000,000 for fiscal year 1995"; and

(B) in paragraph (2)—

(i) by striking "(2) In" and inserting "(2)(A) Except as provided in subparagraph (B), in"; and

(ii) by adding at the end the following new subparagraph:

"(B) To the extent feasible, the cents per meal level described in subparagraph (A) shall not be reduced below 56.76 cents per meal in any fiscal year."

Subtitle B—Supportive Services and Senior Centers**SEC. 311. SUPPORTIVE SERVICES.**

Section 321(a) (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (6), by inserting ", and counseling regarding permanency planning for elderly caregivers of adult children with mental and physical disabilities" after "older individuals";

(2) in paragraph (11), by inserting ", or who are caregivers of adult children who are disabled" after "who are disabled";

(3) by striking "or" at the end of paragraph (18);

(4) by redesignating paragraph (19) as paragraph (20); and

(5) by inserting after paragraph (18) the following new paragraph:

"(19) services designed to support family members and other persons providing voluntary care to older individuals that need long-term care services; or"

Subtitle C—Nutrition Services**SEC. 321. CONGREGATE NUTRITION SERVICES.**

Section 331 (42 U.S.C. 3030e) is amended—

(1) by inserting "(a)" after the section designation;

(2) in subsection (a) (as designated by paragraph (1) of this subsection), by striking ", each of which" and all that follows through "National Research Council"; and

(3) by adding at the end the following new subsection:

"(b) An agency that establishes and operates a nutrition project under subsection (a) shall ensure that the meals provided through the project—

"(1) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture; and

"(2) provide a 5-day time-averaged intake of—

"(A) 33 1/3 percent of the daily recommended dietary allowances, as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project serves one meal each day;

"(B) 66 2/3 percent of the allowances, if the project serves two meals each day; and

"(C) 100 percent of the allowances, if the project serves three meals each day."

SEC. 322. HOME DELIVERED NUTRITION SERVICES.

Section 336 (42 U.S.C. 3030f) is amended—

(1) by inserting "(a)" after the section designation;

(2) in paragraph (1) of subsection (a) (as designated by paragraph (1) of this subsection), by striking ", each of which" and all that follows through "National Research Council"; and

(3) by adding at the end the following new subsection:

"(b) An agency that establishes and operates a nutrition project under subsection (a) shall ensure that the meals provided through the project—

"(1) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture; and

"(2) provide a 5-day time-averaged intake of—

"(A) 33 1/3 percent of the daily recommended dietary allowances, as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project serves one meal each day;

"(B) 66 2/3 percent of the allowances, if the project serves two meals each day; and

"(C) 100 percent of the allowances, if the project serves three meals each day."

SEC. 323. CONGREGATE NUTRITION SERVICES AND INTERGENERATIONAL ACTIVITIES.

(a) FINDINGS.—Congress finds that—

(1) there are millions of older individuals who could benefit from congregate nutrition services, but live in areas where meals are unavailable or limited;

(2) there are millions of elementary and secondary school students who need positive role models, tutors, enhancement of self-esteem, and assistance with multiple and complex economic, health, and social problems;

(3) older individuals have a unique range of knowledge, talents, and experience, which can be of immeasurable value to students as a part of the educational process;

(4) intergenerational programs can provide older individuals with the opportunity to contribute skills and talents in the public schools;

(5) programs that create and foster communication between older individuals and youth are effective in improving awareness and understanding of the aging process, promoting more positive and balanced views of the realities of aging, and reducing negative stereotyping of older individuals;

(6) unused or underused space in school buildings can be used for intergenerational programs serving older individuals in exchange for good faith commitments by older individuals to provide volunteer assistance in the public schools; and

(7) school districts need broad-based community support for school initiatives, and intergenerational programs can help to enrich the support.

(b) PURPOSES.—The purposes of this section are—

(1) to create and foster intergenerational opportunities for older individuals and elementary and secondary students in the schools, where meals and social activities are provided;

(2) to create school-based programs for older individuals to assist elementary and secondary students who have limited-English proficiency or are at risk of—

(A) dropping out of school;

(B) abusing controlled substances;

(C) remaining illiterate; and

(D) living in poverty.

(3) to provide older individuals with opportunities to improve their self-esteem and make major contributions to the educational process of the youth of the United States by contributing the unique knowledge, talents, and sense of history of older individuals through roles as volunteer tutors, teacher aides, living historians, special speakers, playground supervisors, lunch-

room assistants, and many other school support roles;

(4) to provide an opportunity for older individuals to obtain access to school facilities and resources, such as libraries, gymnasiums, theaters, cafeterias, audiovisual resources, and transportation; and

(5) to create other programs for group interaction between students and older individuals, including class discussions, dramatic programs, shared school assemblies, field trips, and mutual classes.

(c) **SCHOOL-BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND INTERGENERATIONAL PROGRAMS.**—Part C of title III (42 U.S.C. 3030e et seq.) is amended by adding at the end the following new subpart:

"Subpart 3—School-Based Meals for Volunteer Older Individuals and Intergenerational Programs

"SEC. 338. ESTABLISHMENT.

"(a) **IN GENERAL.**—The Commissioner shall establish and carry out, under State plans approved under section 307, a program for making grants to States to pay for the Federal share of establishing and operating projects in elementary and secondary schools that—

"(1) provide hot meals, each of which ensures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, to volunteer older individuals—

"(A) while such schools are in session;

"(B) during the summer; and

"(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

"(2) provide intergenerational activities in which volunteer older individuals and students interact;

"(3) provide social and recreational activities for volunteer older individuals;

"(4) develop skill banks that maintain and make available to school officials information on the skills and preferred activities of volunteer older individuals, for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and in other roles; and

"(5) provide opportunities for volunteer older individuals to participate in school activities (such as classes, dramatic programs, and assemblies) and use school facilities.

"(b) **FEDERAL SHARE.**—The Federal share of the costs of establishing and operating nutrition and intergenerational activities projects under this subpart shall be 85 percent.

"SEC. 338A. APPLICATION AND SELECTION OF PROVIDERS.

"(a) **CONTENTS OF APPLICATION.**—To be eligible to carry out a project under the program established under this subpart, an entity shall submit an application to a State agency. Such application shall include—

"(1) a plan describing the project proposed by the applicant and comments on such plan from the appropriate area agency on aging and the appropriate local educational agency;

"(2) an assurance that the entity shall pay not more than 85 percent of the cost of carrying out such project from funds awarded under this subpart;

"(3) an assurance that the entity shall pay not less than 15 percent of such cost, in cash or in kind, from non-Federal sources;

"(4) information demonstrating the need for such project, including a description of—

"(A) the nutrition services and other services currently provided under this part in the geographic area to be served by such project; and

"(B) the manner in which the project will be coordinated with such services; and

"(5) such other information and assurances as the Commissioner may require by regulation.

"(b) **SELECTION AMONG APPLICANTS.**—In selecting grant recipients from among entities that submit applications under subsection (a) for a fiscal year, the State agency shall—

"(1) give first priority to entities that carried out a project under this subpart in the preceding fiscal year;

"(2) give second priority to entities that carried out a nutrition project under subpart 1 in the preceding fiscal year; and

"(3) give third priority to entities whose applications include a plan that involves a school with greatest need (as measured by the dropout rate, the level of substance abuse, the number of children who have limited-English proficiency or who participate in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), the National School Lunch Act (42 U.S.C. 1751 et seq.), or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or other measures).

"SEC. 338B. REPORTS.

"(a) **REPORTS BY STATES.**—Not later than 60 days after the end of a fiscal year for which a State receives a grant under this subpart, such State shall submit to the Commissioner a report evaluating the projects carried out under this subpart by such State in such fiscal year. Such report shall include for each project—

"(1) a description of—

"(A) persons served;

"(B) intergenerational activities carried out; and

"(C) additional needs of volunteer older individuals and students; and

"(2) recommendations for any appropriate modifications to satisfy the needs described in paragraph (1)(C).

"(b) **REPORTS BY COMMISSIONER.**—Not later than 120 days after the end of a fiscal year for which funds are appropriated to carry out this subpart, the Commissioner shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing, with respect to each State, the reports submitted under subsection (a) for such fiscal year."

SEC. 324. SENIOR NUTRITION.

Part C of title III (42 U.S.C. 3030e et seq.) (as amended by section 323(c)) is further amended by adding at the end the following new subpart:

"Subpart 4—General Nutrition Service Provisions

"SEC. 339. DIETARY PROFESSIONALS.

"(a) **IN GENERAL.**—The Commissioner shall ensure that the Administration shall employ at least one individual as a National Dietary Professional on a full-time basis.

"(b) **QUALIFICATIONS.**—The National Dietary Professional shall—

"(1) have experience in nutrition and dietary services; and

"(2)(A) be a registered dietitian;

"(B) be a credentialed nutrition professional;

or

"(C) have education and training that is substantially equivalent to the education and training for a registered dietitian or a credentialed nutrition professional.

"(c) **DUTIES.**—

"(1) **NATIONAL DIETARY PROFESSIONAL.**—The National Dietary Professional shall be responsible for the administration of the congregate and home delivered nutrition services programs described in subparts 1 and 2, respectively, and shall have duties that include—

"(A) designing, implementing, and evaluating nutrition programs;

"(B) developing guidelines for nutrition providers concerning safety, sanitary handling of food, equipment, preparation, and food storage;

"(C) disseminating information to nutrition service providers about nutrition advancements and developments;

"(D) promoting coordination between nutrition service providers and community-based organizations serving older individuals;

"(E) developing guidelines on cost containment;

"(F) defining a long range role for the nutrition services in community-based care systems;

"(G) developing model menus and other appropriate materials for serving special needs populations and meeting cultural meal preferences; and

"(H) providing technical assistance to the regional offices of the Administration with respect to each duty described in subparagraphs (A) through (G).

"(2) **REGIONAL OFFICES.**—The regional offices of the Administration shall be responsible for disseminating, and providing technical assistance regarding, the guidelines and information described in subparagraphs (B), (C), and (E) of paragraph (1) to State agencies, area agencies on aging, and persons that provide nutrition services under this part.

"SEC. 339A. MINIMUM CRITERIA AND GUIDELINES FOR NUTRITION SERVICES.

"(a) **TASK FORCE.**—

"(1) **IN GENERAL.**—The Commissioner shall establish a task force to develop recommendations for minimum criteria and guidelines of efficiency and quality for furnishing congregate and home delivered nutrition services, as described in subparts 1 and 2, respectively.

"(2) **COMPOSITION OF TASK FORCE.**—The task force shall be composed of members appointed by the Commissioner from among individuals nominated by the Secretary of Agriculture, the American Dietetic Association, the National Association of Nutrition and Aging Service Programs, the National Association of Meal Programs, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, and other appropriate organizations.

"(3) **REPORT.**—Not later than January 1, 1993, the task force shall submit a report to the Commissioner containing the recommendations described in paragraph (1).

"(b) **REGULATIONS.**—

"(1) **IN GENERAL.**—Not later than June 30, 1993, the Commissioner, in consultation with the Secretary of Agriculture, shall promulgate regulations establishing minimum criteria and guidelines for furnishing the congregate and home delivered nutrition services described in subparts 1 and 2.

"(2) **BASIS.**—The regulations shall reflect, to the extent determined appropriate by the Commissioner, the recommendations described in subsection (a)(1).

"SEC. 339B. NUTRITION EDUCATION.

"The Commissioner and the Secretary of Agriculture may provide technical assistance and appropriate material to agencies carrying out nutrition education programs in accordance with section 307(a)(13)(J)."

Subtitle D—In-Home Services for Frail Older Individuals

SEC. 331. GRANTS FOR SUPPORTIVE ACTIVITIES FOR CERTAIN INDIVIDUALS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS.

(a) **GRANTS.**—Part D of title III (42 U.S.C. 3030h et seq.) is amended—

(1) by redesignating section 343 as section 341A;

(2) by redesignating section 342 as section 343;

(3) by inserting after the part designation the following:

"Subpart 1—In-Home Services"; and

(4) by inserting after section 341A (as redesignated by paragraph (1) of this subsection) the following:

“Subpart 2—Supportive Activities for Certain Individuals Who Provide In-Home Services to Frail Older Individuals

“SEC. 342. PROGRAM.

“(a) **IN GENERAL.**—The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide supportive activities for individuals (including family members) who without compensation provide in-home services to frail older individuals.

“(b) **SUPPORTIVE ACTIVITIES.**—The supportive activities described in subsection (a) may include—

“(1) providing training and counseling for individuals who provide such services;

“(2) providing technical assistance to such individuals to assist the individuals in forming or participating in support groups;

“(3) providing information—

“(A) to frail older individuals and their families regarding ways of obtaining in-home services and respite services; and

“(B) to individuals who provide such services, regarding—

“(i) ways of providing such services; and

“(ii) sources of nonfinancial support available to the individuals as a result of providing such services; and

“(4) maintaining lists of individuals who provide respite services for the families of frail older individuals.

“Subpart 3—General Provisions.”

(b) **CONFORMING AMENDMENT.**—Section 307(a)(10) (42 U.S.C. 3027(a)(10)) is amended by striking “section 342(1)” and inserting “section 343(1)”.

SEC. 332. IN-HOME SERVICES.

Section 343(1) (42 U.S.C. 3030i(1)) (as redesignated by section 331(a)(2) of this Act) is amended—

(1) by striking “and” at the end of subparagraph (D); and

(2) by adding at the end the following new subparagraph:

“(F) other in-home services as defined by the State agency; and”.

Subtitle E—Preventive Health Services

SEC. 341. PROGRAM AUTHORIZED.

Section 361 (42 U.S.C. 3030m) is amended—

(1) in subsection (a), to read as follows:

“(a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide disease prevention and health promotion services and information at senior centers, at congregate meal sites, through home delivered meals programs, or at other appropriate sites.”;

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 342. DEFINITION.

(a) **DISEASE PREVENTION AND HEALTH PROMOTION SERVICES.**—Section 363 (42 U.S.C. 3030o) is amended to read as follows:

“SEC. 363. DEFINITION.

“As used in this part, the term ‘disease prevention and health promotion services’ means—

“(1) health risk assessments;

“(2) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, and nutrition screening;

“(3) nutritional counseling and educational services for individuals and their primary caregivers;

“(4) health promotion programs, including programs aimed at alcohol abuse reduction, smoking cessation, weight loss and control, and stress management;

“(5) physical fitness and group exercise programs, including programs for intergenerational participation that are provided by—

“(A) an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (42 U.S.C. 1141(a));

“(B) a local educational agency, as defined in section 1201(g) of the Act; or

“(C) a community-based organization;

“(6) home injury control services, including screening of high-risk home environments and provision of educational programs on injury protection in the home environment;

“(7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and referral to psychiatric and psychological services;

“(8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

“(9) counseling regarding followup health services based on any of the services described in paragraphs (1) through (8).

The term shall not include services for which payment may be made under title XVIII of the Social Security Act.”.

(b) **CONFORMING AMENDMENTS.**—

(1) Part F of title III (42 U.S.C. 3030m et seq.) is amended in the part heading by striking “PREVENTIVE HEALTH SERVICES” and inserting “DISEASE PREVENTION AND HEALTH PROMOTION SERVICES”.

(2) Section 422(a)(2) (42 U.S.C. 3035a(a)(2)) is amended by striking “preventive health service” and inserting “disease prevention and health promotion services”.

Subtitle F—Programs for Prevention of Abuse, Neglect, and Exploitation

SEC. 351. REPEAL.

Title III (42 U.S.C. 3021 et seq.) is amended by repealing part G.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 401. PRIORITIES FOR GRANTS AND DISCRETIONARY PROJECTS.

Section 402 (42 U.S.C. 3030bb) is amended—

(1) in subsection (c), by striking “and contracts” and inserting “, contracts, and cooperative agreements”; and

(2) by adding at the end the following new subsection:

“(d) The Commissioner shall consult with State agencies and area agencies on aging in—

“(1) developing priorities, consistent with the requirements of this title, for awarding grants and entering into contracts under this title; and

“(2) reviewing applications for the grants and contracts.”.

SEC. 402. PURPOSES OF EDUCATION AND TRAINING PROJECTS.

Section 410(3) (42 U.S.C. 3030jj(3)) is amended by inserting “, with particular emphasis on attracting minority persons,” after “qualified personnel”.

SEC. 403. GRANTS AND CONTRACTS FOR EDUCATION AND TRAINING PROJECTS.

Section 411(a)(2) (42 U.S.C. 3031(a)(2)) is amended by inserting “, with special emphasis on using culturally sensitive practices” before the period.

SEC. 404. MULTIDISCIPLINARY CENTERS OF GERONTOLOGY.

Section 412(a)(4) (42 U.S.C. 3032(a)(4)) is amended by inserting “social work, and psychology,” after “education.”.

SEC. 405. DEMONSTRATION PROJECTS.

Section 422 (42 U.S.C. 3035a) is amended—

(1) in subsection (b)—

(A) by striking “and” at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(10) meet the service needs of elderly caregivers of adult children with disabilities, including needs for—

“(A) the provision of respite services; and

“(B) the provision of legal advice, information, and referral services to assist elderly caregivers with permanency planning for their adult children with disabilities.”; and

(2) by adding at the end the following new subsection:

“(e) As used in this section, the term ‘adult child with a disability’ means a child who—

“(1) is age 18 or older;

“(2) is financially dependent on a parent of the child; and

“(3) has a physical or mental disability, including a disability caused by mental illness or mental retardation.”.

SEC. 406. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

(a) **IN GENERAL.**—Section 423 (42 U.S.C. 3035b) is amended to read as follows:

“SEC. 423. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

“(a) **DEFINITIONS.**—As used in this section:

“(1) **PROJECT.**—The term ‘Project’ means a Project To Improve the Delivery of Long-Term Care Services.

“(2) **RESOURCE CENTER.**—The term ‘Resource Center’ means a Resource Center for Long-Term Care.

“(b) **RESOURCE CENTERS FOR LONG-TERM CARE.**—

“(1) **GRANTS, CONTRACTS, AND AGREEMENTS.**—The Commissioner shall award grants to, or enter into contracts or cooperative agreements with, eligible entities to support the establishment or operation of not fewer than four or more than seven Resource Centers for Long-Term Care in accordance with paragraph (2).

“(2) **REQUIREMENTS.**—

“(A) **FUNCTIONS.**—Each Resource Center that receives funds under this subsection shall, with respect to subjects within an area or areas of speciality of the Resource Center—

“(i) perform research;

“(ii) provide for the dissemination of results of the research; and

“(iii) provide technical assistance and training to State agencies and area agencies on aging.

“(B) **AREAS OF SPECIALTY.**—The areas of speciality described in subparagraph (A) include—

“(i) Alzheimer’s disease, related dementias and other cognitive impairments;

“(ii) assessment and case management;

“(iii) data assistance;

“(iv) home modification and housing supportive services;

“(v) consolidation and coordination of services;

“(vi) linkages between acute care and long-term care settings and providers;

“(vii) decisionmaking and bioethics;

“(viii) supply, training, and quality of long-term care personnel;

“(ix) rural issues, including barriers to access to services;

“(x) chronic mental illness;

“(xi) populations with greatest social and economic need, including minorities; and

“(xii) other areas of importance as determined by the Commissioner.

“(c) **PROJECTS TO IMPROVE THE DELIVERY OF LONG-TERM CARE SERVICES.**—The Commissioner shall award grants to, or enter into contracts or cooperative agreements with, eligible entities to support the entities in establishing or carrying out not fewer than 10 Projects To Improve the Delivery of Long-Term Care Services.

“(d) **USE OF FUNDS.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), an eligible entity may use funds received under a grant, contract, or agreement—

"(A) described in subsection (b)(1) to pay for part or all of the cost (including startup cost) of establishing and operating a new Resource Center, or of operating a Resource Center in existence on the day before the date of the enactment of the Older Americans Act Reauthorization Amendments of 1991; and

"(B) described in subsection (c) to pay for part or all of the cost (including startup cost) of establishing and carrying out a Project.

"(2) REIMBURSABLE DIRECT SERVICES.—None of the funds described in paragraph (1) may be used to pay for direct services that are eligible for reimbursement under title XVIII, title XIX, or title XX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).

"(e) PREFERENCE.—In awarding grants, and entering into contracts and agreements, under this section, the Commissioner shall give preference to entities that demonstrate that—

"(1) adequate State standards have been developed to ensure the quality of services provided under the grant, contract, or agreement; and

"(2) the entity has made a commitment to carry out programs under the grant, contract, or agreement with the State agency responsible for the administration of title XIX of the Social Security Act or title XX of the Social Security Act, or both such agencies.

"(f) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive funds under a grant, contract, or agreement described in subsection (b)(1) or (c), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(2) PROJECT APPLICATION.—An entity seeking a grant, contract, or agreement under subsection (c) shall submit an application to the Commissioner containing, at a minimum—

"(A) information identifying and describing gaps, weaknesses, or other problems in the delivery of long-term care services in the State or service area to be served by the entity, including—

"(i) duplication of functions of various levels in the delivery of services;

"(ii) fragmentation of systems, especially in coordinating services to both the elderly and nonelderly populations;

"(iii) barriers to access for populations with greatest social and economic need, including minorities and residents of rural areas;

"(iv) lack of financing for services; and

"(v) lack of availability of adequately trained personnel;

"(B) a plan to address the gaps, weaknesses and problems described in clauses (i) through (v); and

"(C) information describing the extent to which the entity will coordinate with area agencies on aging and service providers in carrying out the proposed Project.

"(g) ELIGIBLE ENTITIES.—Entities eligible to receive grants, or enter into contracts or agreements, under subsection (b)(1) or (c) include—

"(1) State agencies; and

"(2) in consultation with State agencies—

"(A) area agencies on aging;

"(B) institutions of higher education; and

"(C) other public agencies and nonprofit private organizations.

"(h) REPORT.—The Commissioner shall include in the annual report to the Congress required by section 207, a report on the grants awarded, and contracts and cooperative agreements entered into, under this section, including—

"(1) an analysis of the relative effectiveness, and recommendations for any changes, of the projects of Resource Centers funded under subsection (b)(1); and

"(2) an evaluation of the needs identified, the agencies utilized, and the effectiveness of the approaches tested under subsection (c).

"(i) AVAILABILITY OF FUNDS.—The Commissioner shall make available for carrying out subsection (b) for each fiscal year not less than the amount made available in fiscal year 1991 for making grants and entering into contracts to establish and operate Resource Centers under section 423 of this Act, as in effect on the day before the date of the enactment of the Older Americans Act Reauthorization Amendments of 1991."

(b) OBLIGATION.—Not later than January 1, 1992, the Commissioner shall obligate, from the funds appropriated under section 431(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)(1)) for fiscal year 1992—

(1) not less than the amount described in section 423(i) of such Act (42 U.S.C. 3035b(i)) for carrying out section 423(b)(1) of such Act; and

(2) such sums as may be necessary for carrying out section 423(c) of such Act.

SEC. 407. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) congregate housing, coordinated with the delivery of supportive services, offers an innovative, proven, and cost-effective means of enabling frail older individuals and disabled individuals to maintain dignity and independence;

(2) independent living with assistance is a preferable housing alternative to institutionalization for many frail older and disabled individuals;

(3) 365,000 older individuals in federally assisted housing experience some form of frailty, and the number is expected to increase as the general population ages;

(4) a growing number of frail older individuals who are residents of federally assisted housing projects face premature or unnecessary institutionalization because of the absence of, or deficiencies in, availability, adequacy, coordination, or delivery of supportive services;

(5) the supportive service needs of frail residents of federally assisted housing are beyond the resources and experience that housing managers have for meeting such needs;

(6) the supportive needs of frail residents of federally assisted housing are beyond the resources that the area agencies on aging have for meeting such needs; and

(7) with the necessary resources, the network of area agencies on aging could provide supportive services to older residents of federally assisted housing projects in an effective manner and reduce the incidence of premature and unnecessary institutionalization.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide services to frail older individuals in federally assisted housing projects through the aging network of area agencies on aging and the subcontractors of the agencies;

(2) to improve the quality of life for older individuals living in federally assisted housing;

(3) to better target the resources of the Administration to low-income individuals, with particular attention to low-income minority individuals;

(4) to develop partnerships and models for coordination between Department of Housing and Urban Development and Farmers Home Administration projects and the aging network;

(5) to involve the aging network in the development of the Comprehensive Housing Affordability Strategy and other programs serving older individuals under the Cranston-Gonzales National Affordable Housing Act of 1990 (Public Law 101-625, 104 Stat. 4079);

(6) to provide the aging network staff the opportunity to effectively identify and assess the housing and supportive service needs of older individuals; and

(7) to improve the programs and services provided within the jurisdiction of the area agencies on aging and State agencies.

(c) DEMONSTRATION PROJECTS.—Part B of title IV is amended by inserting after section 426 (42 U.S.C. 3035e) the following new section:

"SEC. 426A. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

"(a) GRANTS.—The Commissioner shall award grants to eligible agencies to establish demonstration programs to provide supportive services in federally assisted housing.

"(b) USE OF GRANTS.—An eligible agency shall use a grant awarded under subsection (a) to conduct outreach and to provide to older individuals who are residents in federally assisted housing projects, services including—

"(1) meal services;

"(2) transportation;

"(3) personal care, dressing, bathing, and toileting;

"(4) housekeeping and chore assistance;

"(5) nonmedical counseling;

"(6) case management;

"(7) other services to prevent premature and unnecessary institutionalization of eligible project residents; and

"(8) other services provided under this Act.

"(c) AWARD OF GRANTS.—The Commissioner shall award grants under subsection (a) to agencies in varied geographic settings.

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(1) information demonstrating a lack of, and need for, supportive services programs in federally assisted housing projects in the service area;

"(2) a comprehensive plan to coordinate with housing facility management to provide services to frail residents who are in danger of premature or unnecessary institutionalization;

"(3) information demonstrating initiative on the part of the agency to address the supportive service needs of older individuals who are residents in federally assisted housing projects;

"(4) information demonstrating financial, in kind, or other support from State or local governments, or from private resources;

"(5) an assurance that the agency will participate in the development of the Comprehensive Housing Affordability Strategy and seek funding for supportive services under the Department of Housing and Urban Development or the Farmers Home Administration;

"(6) an assurance that the agency will target services to low-income minority individuals and conduct outreach;

"(7) an assurance that the agency will comply with the guidelines described in subsection (f); and

"(8) a plan to evaluate the eligibility of residents for services under the federally assisted housing demonstration program, which plan shall include a professional assessment committee to identify residents.

"(e) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall include State agencies and area agencies on aging.

"(f) GUIDELINES.—The Commissioner shall issue guidelines for use by agencies that receive grants under this section—

"(1) regarding the level of frailty that residents must meet to be eligible for services under a demonstration program established under this section; and

"(2) for accepting voluntary contributions from residents who receive services under such a program.

"(g) EVALUATIONS AND REPORTS.—

"(1) AGENCIES.—Each agency that receives a grant under subsection (a) to establish a demonstration program shall, not later than 3

months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) COMMISSIONER.—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner awards grants under subsection (a)—

"(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a); and

"(B) submit a report containing the evaluation to the appropriate committees of Congress."

SEC. 408. NEIGHBORHOOD SENIOR CARE PROGRAM.

Part B of title IV of the Older Americans Act of 1965 is amended by adding after section 426A (as added by section 407 of this Act) the following new section:

"SEC. 426B. NEIGHBORHOOD SENIOR CARE PROGRAM.

"(a) DEFINITIONS.—As used in this section:

"(1) HEALTH AND SOCIAL SERVICES.—The term 'health and social services' includes skilled nursing care, personal care, homemaker services, health and nutrition education, health screening, home health aid services, and specialized therapies.

"(2) VOLUNTEER SERVICES.—The term 'volunteer services' includes peer counseling, chore services, help with mail and taxes, transportation, socialization, and other similar services.

"(b) GRANTS.—The Commissioner may award grants to eligible communities to establish neighborhood senior care programs to draw on the professional and volunteer services of local residents to provide health and social services and volunteer services to elderly neighbors who might otherwise have to be admitted to nursing homes and to hospitals.

"(c) PREFERENCE.—In awarding grants to communities under this section, the Commissioner shall give preference to applicants experienced in operating community programs and programs meeting the independent living needs of older individuals.

"(d) ADVISORY BOARD.—The Commissioner shall establish an Advisory Board to provide guidance regarding the neighborhood senior programs. Not fewer than two-thirds of the members of the Advisory Board shall be neighborhood residents in communities receiving grants under subsection (b).

"(e) APPLICATION.—To be eligible to receive a grant under this section, a community shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each application shall—

"(1) describe the activities for which assistance is sought;

"(2) describe the neighborhood in which services are to be provided, support and formal services to be provided, and a plan for integration of volunteer services and health and social services;

"(3)(A) provide assurances that nurses and community volunteers and an outreach coordinator live in the neighborhood; or

"(B)(i) reasons that it is not possible to provide such assurances; and

"(ii) assurances that nurses, community volunteers and an outreach coordinator will be assigned consistently to the particular neighborhood; and

"(4) provide for an evaluation of the activities for which assistance is sought."

SEC. 409. LONG-TERM CARE OMBUDSMAN DEMONSTRATION PROJECTS.

Section 427(a) (42 U.S.C. 3035f(a)) is amended by inserting " , legal assistance agencies," after "ombudsman program".

SEC. 410. HOUSING OMBUDSMAN DEMONSTRATION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) older individuals who live in, or are attempting to become residents of, publicly assisted housing experience a range of problems related to the housing situations, the condition of homes, and the economic status of the individuals;

(2) problems that older individuals experience in relation to Federal and other public housing programs include—

(A) legal and nonlegal issues;

(B) housing quality issues;

(C) security and suitability problems; and

(D) issues related to regulations of the Department of Housing and Urban Affairs and the Farmers Home Administration;

(3) participants and nonparticipants in Federal and other public housing programs have concerns regarding specific program information, processes, procedures, and requirements of housing programs;

(4) the problems and issues that older individuals face are not currently being addressed in a systematic and comprehensive manner;

(5) interest groups and senior citizen service organizations offer a variety of services, but do not necessarily focus on housing problems;

(6) there is a need for a mechanism to assist older individuals in resolving the problems, and protecting the rights, safety, and welfare of the individuals;

(7) the State Long-Term Care Ombudsman programs established under the Older Americans Act of 1965 have exhibited great success in protecting the rights and welfare of nursing home residents through work on complaint resolution and advocacy; and

(8) an approach similar to the approach used under the State Long-Term Care Ombudsman programs could be used to address the housing problems that older individuals experience.

(b) PURPOSES.—The purposes of this section are—

(1) to ensure the quality and accessibility of publicly assisted housing programs for older individuals;

(2) to assist older individuals seeking Federal, State, and local assistance in the housing area in receiving timely and accurate information and fair treatment regarding public housing programs and related eligibility requirements;

(3) to enable older individuals to remain in publicly assisted homes and live independently for as long as possible;

(4) to enable older individuals to obtain and maintain affordable and suitable housing that addresses the special needs of the individuals; and

(5) to protect older individuals participating in Federal and other publicly assisted housing programs from abuse, neglect, exploitation, or other illegal treatment in publicly assisted housing programs.

(c) DEMONSTRATION PROGRAM.—Title IV (42 U.S.C. 3030aa et seq.) is amended—

(1) by redesignating part C as part D;

(2) by inserting after section 426B (as added by section 408 of this Act) the following:

"PART C—ELDER RIGHTS PROTECTION DEMONSTRATION PROJECTS"; and

(3) in part C (as designated by paragraph (2) of this subsection), by adding at the end the following new section:

"SEC. 429. HOUSING OMBUDSMAN DEMONSTRATION PROGRAM.

"(a) GRANTS.—The Commissioner shall award grants to eligible agencies to establish housing ombudsman programs.

"(b) USE OF GRANTS.—An eligible agency shall use a grant awarded under subsection (a) to—

"(1) establish a housing ombudsman program that provides information, advice, and advocacy services including—

"(A) direct assistance, or referral to services, to resolve complaints or problems;

"(B) provision of information regarding available housing programs, eligibility, requirements, and application processes;

"(C) counseling or assistance with financial, social, familial, or other related matters that may affect or be influenced by housing problems;

"(D) advocacy related to promoting—

"(i) the rights of the older individuals who are residents in publicly assisted housing programs; and

"(ii) the quality and suitability of housing in the programs; and

"(E) assistance with problems related to—

"(i) threats of eviction or eviction notices;

"(ii) older buildings;

"(iii) functional impairments as the impairments relate to housing;

"(iv) discrimination;

"(v) regulations of the Department of Housing and Urban Development and the Farmers Home Administration;

"(vi) disability issues;

"(vii) intimidation, harassment, or arbitrary management rules;

"(viii) grievance procedures;

"(ix) certification and recertification related to programs of the Department of Housing and Urban Development and the Farmers Home Administration; and

"(x) issues related to transfer from one project or program to another; and

"(2) provide the services described in paragraph (1) through—

"(A) professional and volunteer staff to older individuals who are—

"(i) participating in federally assisted and other publicly assisted housing programs; or

"(ii) seeking Federal, State, and local housing programs; and

"(B)(i) the State Long-Term Care Ombudsman program under section 307(a)(12) or section 712;

"(ii) a legal services or assistance organization or through an organization that provides both legal and other social services;

"(iii) a public or not-for-profit social services agency; or

"(iv) an agency or organization concerned with housing issues but not responsible for publicly assisted housing.

"(c) AWARD OF GRANTS.—The Commissioner shall award grants under subsection (a) to agencies in varied geographic settings.

"(d) APPLICATION.—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(1) an assurance that the agency will conduct appropriate training of professional and volunteer staff who will provide services through the housing ombudsman demonstration program; and

"(2) an acceptable plan to involve in the demonstration program the Department of Housing and Urban Development, the Farmers Home Administration, any entity described in subsection (b)(3) through which the agency intends to provide services, and other agencies involved in publicly assisted housing programs.

"(e) ELIGIBLE AGENCIES.—Agencies eligible to receive grants under this section shall include—

"(1) State agencies;

"(2) area agencies on aging, applying in conjunction with State agencies; and

"(3) other appropriate nonprofit entities, including providers of services under the State Long-Term Care Ombudsman program and the elder rights and legal assistance development program described in parts B and D of title VII, respectively.

"(f) EVALUATIONS AND REPORTS.—

"(1) AGENCIES.—Each agency that receives a grant under subsection (a) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) COMMISSIONER.—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner awards grants under subsection (a)—

"(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a); and

"(B) submit a report containing the evaluation to the appropriate committees of Congress."

SEC. 411. AUTHORIZATION OF APPROPRIATIONS.

Section 431(a) (42 U.S.C. 3037(a)) is amended—

"(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) There are authorized to be appropriated to carry out sections 420 through 426, \$40,075,000 for fiscal year 1992, \$42,079,000 for fiscal year 1993, \$44,183,000 for fiscal year 1994, and \$46,392,000 for fiscal year 1995."

"(2) in paragraph (2)—

"(A) in the first sentence, by striking "\$1,000,000 for fiscal year 1989" and inserting "\$1,000,000 for fiscal year 1993"; and

"(B) in the second sentence, by striking "fiscal year 1990" and inserting "fiscal year 1994";

"(3) in paragraph (3), by striking "\$2,000,000" and all that follows through "1989 and 1990" and inserting "such sums as may be necessary for each of the fiscal years 1992 through 1995"; and

"(4) by adding at the end the following new paragraphs:

"(4) There are authorized to be appropriated to carry out section 426A, \$4,000,000 for fiscal year 1992 and such sums as may be necessary for each of the subsequent fiscal years.

"(5) There are authorized to be appropriated to carry out the provisions of section 426B, \$5,000,000 for fiscal year 1992, \$5,500,000 for fiscal year 1993, and \$6,000,000 for fiscal year 1994.

"(6) There are authorized to be appropriated to carry out section 429, \$2,000,000 for fiscal year 1992 and such sums as may be necessary for each of the subsequent fiscal years."

SEC. 412. PAYMENTS OF GRANTS FOR DEMONSTRATION PROJECTS.

Section 432(c) (42 U.S.C. 3037a(c)) is amended by striking "unless the Commissioner" and all that follows and inserting "unless the Commissioner—

"(1) consults with the State agency prior to issuing the grant or contract; and

"(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued."

SEC. 413. RESPONSIBILITIES OF COMMISSIONER.

Section 433 (42 U.S.C. 3037b) is amended by adding at the end the following new subsection:

"(c)(1) The Commissioner shall establish a Clearinghouse to provide information about education and training projects established under part A, and research and demonstration projects, and other activities, established under part B, to persons requesting the information.

"(2)(A) The Commissioner shall establish procedures specifying the length of time that the Clearinghouse shall provide the information described in paragraph (1) with respect to a particular project. The procedures shall require the Clearinghouse to maintain the information beyond the term of the grant awarded, or contract entered into, to carry out the project.

"(B) The Commissioner shall establish the procedures described in subparagraph (A) after consultation with—

"(i) practitioners in the field of aging;

"(ii) older individuals;

"(iii) representatives of institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (42 U.S.C. 1141(a));

"(iv) national aging organizations;

"(v) State agencies;

"(vi) area agencies on aging;

"(vii) legal assistance providers;

"(viii) service providers; and

"(ix) other persons with an interest in the field of aging."

TITLE V—OTHER OLDER AMERICANS PROGRAMS**Subtitle A—Community Service Employment for Older Americans****SEC. 501. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.**

Section 502 (42 U.S.C. 3056) is amended—

"(1) in subsection (a), by inserting "and who have poor employment prospects" after "or older"; and

"(2) in subsection (d)(1), by striking "within a State such organization or program sponsor shall submit to the State agency on aging" and inserting "within a planning and service area in a State such organization or program sponsor shall submit to the State agency and the area agency on aging of the planning and service area."

SEC. 502. COORDINATION.

Section 503(a) (42 U.S.C. 3056a(a)) is amended—

"(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

"(2) by inserting "(1)" after the subsection designation; and

"(3) by adding at the end the following new paragraph:

"(2) The Secretary of the Department of Labor shall coordinate with the Commissioner to increase job opportunities available to older individuals."

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

Section 508(a)(1) (42 U.S.C. 3056f(a)(1)) is amended by striking "\$386,715,000" and all that follows and inserting "\$470,055,000 for fiscal year 1992, \$493,557,000 for fiscal year 1993, \$518,235,000 for fiscal year 1994, and \$544,147,000 for fiscal year 1995; and"

Subtitle B—Grants for Native Americans**SEC. 511. INDIAN PROGRAM COORDINATION.**

Section 614(a) (42 U.S.C. 3057e(a)) is amended—

"(1) by striking "and" at the end of paragraph (10);

"(2) by striking the period at the end of paragraph (11) and inserting "; and"; and

"(3) by adding at the end the following new paragraph:

"(12) provide an assurance that the organization will coordinate programs under this title and title III where applicable."

SEC. 512. NATIVE HAWAIIAN COORDINATION.

Section 624(a) (42 U.S.C. 3057j(a)) is amended—

"(1) by striking "and" at the end of paragraph (9);

"(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

"(3) by adding at the end the following new paragraph:

"(11) provide an assurance that the organization will coordinate programs under this title and title III where applicable."

SEC. 513. PAYMENTS.

Section 632 (42 U.S.C. 3057m) is amended—

"(1) by inserting "(a)" after the section designation; and

"(2) by adding at the end the following new subsections:

"(b) For fiscal year 1992 and each of the subsequent fiscal years, the Commissioner shall make available—

"(1) to organizations who received a grant to carry out the activities described in part A during fiscal year 1991 a total amount at least equal to the total amount made available to the persons to carry out the activities during fiscal year 1991; and

"(2) to organizations who received a grant to carry out the activities described in part B during fiscal year 1991 a total amount at least equal to the total amount made available to the organizations to carry out the activities during fiscal year 1991.

"(c) For fiscal year 1992 and each of the subsequent fiscal years, the Commissioner shall make available additional funds, from the portion of funds appropriated for the fiscal year that exceeds the amount of funds appropriated for fiscal year 1991, to tribal organizations who—

"(1) received a grant to carry out the activities described in part A in fiscal year 1980; and

"(2) received a grant for a lower level of funding to carry out the activities in a later fiscal year due to an increased number of tribal organizations receiving funding to carry out the activities."

SEC. 514. GRANTS FOR NATIVE AMERICANS.

Section 633 (42 U.S.C. 3057n) is amended to read as follows:

"SEC. 633. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title (other than section 615)—

"(1) \$23,321,000 for fiscal year 1992 of which \$21,733,000 shall be available to carry out part A and \$1,588,000 shall be available to carry out part B;

"(2) \$24,603,000 for fiscal year 1993 of which \$22,928,000 shall be available to carry out part A and \$1,675,000 shall be available to carry out part B;

"(3) \$25,956,000 for fiscal year 1994 of which \$24,189,000 shall be available to carry out part A and \$1,767,000 shall be available to carry out part B; and

"(4) \$27,384,000 for fiscal year 1995 of which \$25,520,000 shall be available to carry out part A and \$1,864,000 shall be available to carry out part B."

TITLE VI—ELDER RIGHTS SERVICES**SEC. 601. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.**

The Act (42 U.S.C. 3001 et seq.) is amended by adding at the end the following new title:

"TITLE VII—GRANTS TO STATES FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES**"PART A—GENERAL PROVISIONS****"SEC. 701. ESTABLISHMENT.**

"The Commissioner, acting through the Administration, shall establish and carry out a program for making allotments to States to pay for the Federal share of carrying out the elder rights activities described in parts B through E.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

"(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out part B, \$20,000,000 for fiscal year 1992, \$21,000,000 for fiscal year 1993, \$22,050,000 for fiscal year 1994, and \$23,150,000 for fiscal year 1995.

"(b) PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.—There are authorized to be appropriated to carry out part C, \$10,000,000 for fiscal year 1992, \$10,500,000 for fiscal year 1993, \$11,020,000 for fiscal year 1994, and \$11,570,000 for fiscal year 1995.

"(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out part D,

\$10,000,000 for fiscal year 1992, \$10,500,000 for fiscal year 1993, \$11,020,000 for fiscal year 1994, and \$11,570,000 for fiscal year 1995.

"(d) **OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.**—There are authorized to be appropriated to carry out part E, \$15,000,000 for fiscal year 1992, \$15,750,000 for fiscal year 1993, \$16,540,000 for fiscal year 1994, and \$17,360,000 for fiscal year 1995.

"SEC. 703. ALLOTMENT.

"(a) **IN GENERAL.**—

"(1) **POPULATION.**—In carrying out the program described in section 701, the Commissioner shall initially allot to each State, from the funds appropriated under section 702 for each fiscal year, an amount that bears the same ratio to the funds as the population age 60 and older in the State bears to the population age 60 and older in all States.

"(2) **MINIMUM ALLOTMENTS.**—

"(A) **IN GENERAL.**—After making the initial allotments described in paragraph (1), the Commissioner shall adjust the allotments in accordance with subparagraphs (B) and (C).

"(B) **GENERAL MINIMUM ALLOTMENTS.**—

"(i) **MINIMUM ALLOTMENT FOR STATES.**—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made.

"(ii) **MINIMUM ALLOTMENT FOR TERRITORIES.**—Guam, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 702 for the fiscal year for which the determination is made.

"(C) **MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.**—

"(i) **OMBUDSMAN PROGRAM.**—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(a), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under title III.

"(ii) **ELDER ABUSE PROGRAMS.**—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(b), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out programs with respect to the prevention of abuse, neglect, and exploitation of older individuals under title III.

"(D) **DEFINITION.**—For the purposes of this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(b) **REALLOTMENT.**—

"(1) **IN GENERAL.**—If the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Commissioner shall make the amount available to a State that the Commissioner determines will be able to use the amount for carrying out the purpose.

"(2) **AVAILABILITY.**—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this title, be regarded as part of the allotment of the State (as determined under subsection (a)) for the year, but shall remain available until the end of the succeeding fiscal year.

"(c) **WITHHOLDING.**—If the Commissioner finds that any State has failed to qualify under the State plan requirements of section 705, the Commissioner shall withhold the allotment of funds to the State. The Commissioner shall disburse

the funds withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of the State submitting an approved plan under section 705, which includes an agreement that any such payment shall be matched, in the proportion determined under subsection (d) for the State, by funds or in-kind resources from non-Federal sources.

"(d) **FEDERAL SHARE.**—

"(1) **IN GENERAL.**—The Federal share of the costs of carrying out the elder rights activities described in parts B through E is 85 percent.

"(2) **NON-FEDERAL SHARE.**—The non-Federal share of the costs shall be in cash or in kind. In determining the amount of the non-Federal share, the Commissioner may attribute fair market value to services and facilities contributed from non-Federal sources.

"SEC. 704. ORGANIZATION.

"In order for a State to be eligible to receive allotments under this title—

"(1) the State shall demonstrate eligibility under section 305;

"(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 305; and

"(3) any area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 305.

"SEC. 705. STATE PLAN.

"(a) **ELIGIBILITY.**—In order to be eligible to receive allotments under this title, a State shall submit a State plan to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require. At a minimum, the State plan shall contain—

"(1) an assurance that the State, in carrying out any part of this title for which the State receives funding under this title, will establish programs in accordance with the requirements of this title;

"(2) an assurance that the State will hold public hearings to obtain the views of older individuals and other interested parties regarding programs carried out under this title;

"(3) an assurance that the State has submitted, or will submit, a State plan in accordance with section 307;

"(4) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

"(5) an assurance that the State will use funds made available under this title for a part in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this title, to carry out the elder rights activities described in the part;

"(6) an assurance that the State agrees to pay, with non-Federal funds, 15 percent of the cost of the carrying out each part of this title; and

"(7) an assurance that the State will place no restrictions, other than the requirements specified in section 712(a)(5)(C), on the eligibility of agencies or organizations for designation as local Ombudsman entities under section 712(a)(5).

"(b) **APPROVAL.**—The Commissioner shall approve any State plan that the Commissioner finds fulfills the requirements of subsection (a).

"(c) **NOTICE AND OPPORTUNITY FOR HEARING.**—The Commissioner shall not make a final determination disapproving any State plan, or any modification of the plan, or make a final determination that a State is ineligible under section 704, without first affording the State reasonable notice and opportunity for a hearing.

"(d) **NONELIGIBILITY OR NONCOMPLIANCE.**—

"(1) **FINDING.**—The Commissioner shall take the action described in paragraph (2) if the Commissioner, after reasonable notice and opportunity for a hearing to the State agency, finds that—

"(A) the State is not eligible under section 704;

"(B) the State plan has been so changed that the plan no longer complies substantially with the provisions of subsection (a); or

"(C) in the administration of the plan there is a failure to comply substantially with a provision of subsection (a).

"(2) **WITHHOLDING AND LIMITATION.**—If the Commissioner makes the finding described in paragraph (1) with respect to a State agency, the Commissioner shall notify the State agency, and shall—

"(A) withhold further payments to the State from the allotments of the State under section 703; or

"(B) in the discretion of the Commissioner, limit further payments to the State to projects under or portions of the State plan not affected by the ineligibility or noncompliance, until the Commissioner is satisfied that the State will no longer be ineligible or fail to comply.

"(3) **DISBURSEMENT.**—The Commissioner shall, in accordance with regulations prescribed by the Commissioner, disburse funds withheld or limited under paragraph (2) directly to any public or nonprofit private organization or agency or political subdivision of the State that submits an approved plan in accordance with the provisions of this section. Any such payment shall be matched in the proportions specified in section 703(d).

"(e) **APPEAL.**—

"(1) **FILING.**—

"(A) **IN GENERAL.**—A State that is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with the court not later than 30 days after the final action. A copy of the petition shall be transmitted by the clerk of the court to the Commissioner, or any officer designated by the Commissioner for the purpose.

"(B) **RECORD.**—On receipt of the petition, the Commissioner shall file in the court the record of the proceedings on which the action of the Commissioner is based, as provided in section 2112 of title 28, United States Code.

"(2) **PROCEDURE.**—

"(A) **REMEDY.**—On the filing of a petition under paragraph (1), the court described in paragraph (1) shall have jurisdiction to affirm the action of the Commissioner or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Commissioner may modify or set aside the order of the Commissioner.

"(B) **SCOPE OF REVIEW.**—The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence. If the court remands the case, the Commissioner shall, within 30 days, file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(C) **FINALITY.**—The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(3) **STAY.**—The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the action of the Commissioner.

"(f) **PRIVILEGE.**—Neither a State, nor a State agency, may require any provider of legal assist-

ance under this title to reveal any information that is protected by the attorney-client privilege.

"SEC. 706. ADMINISTRATION.

"(a) **AGREEMENTS.**—In carrying out the elder rights activities described in parts B through E, a State agency may, either directly or through a contract or agreement, enter into agreements with public or private nonprofit agencies or organizations, such as—

- "(1) other State agencies;
- "(2) county governments;
- "(3) area agencies on aging;
- "(4) universities and colleges; and
- "(5) other statewide or local nonprofit service providers or volunteer organizations.

"(b) **TECHNICAL ASSISTANCE.**—

"(1) **OTHER AGENCIES.**—In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of such agencies and departments of the Federal Government as may be appropriate.

"(2) **COMMISSIONER.**—The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to programs established under this title and to individuals designated under the programs to be representatives of the programs.

"SEC. 707. AUDITS.

"(a) **ACCESS.**—The Commissioner and the Comptroller General of the United States and any of the duly authorized representatives of the Commissioner or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"(b) **LIMITATION.**—State agencies and area agencies on aging shall not request information or data from providers that is not pertinent to services furnished in accordance with this title or a payment made for the services."

SEC. 602. OMBUDSMAN PROGRAMS.

Title VII (as added by section 601 of this Act) is amended by adding at the end the following new part:

"PART B—OMBUDSMAN PROGRAMS

"SEC. 711. DEFINITIONS.

"As used in this part:

"(1) **OFFICE.**—The term 'Office' means the office established in section 712(b)(1)(A).

"(2) **OMBUDSMAN.**—The term 'Ombudsman' means the individual described in section 712(b)(2).

"(3) **PROGRAM.**—The term 'program' means the State Long-Term Care Ombudsman program established in section 712(b)(1)(B).

"(4) **REPRESENTATIVE.**—The term 'representative' includes an employee or volunteer who represents an entity designated under section 712(a)(5) and who is individually designated by the Ombudsman.

"SEC. 712. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

"(a) **ESTABLISHMENT.**—

"(1) **IN GENERAL.**—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(a), a State agency shall, in accordance with this section—

"(A) establish and operate an Office of the State Long-Term Care Ombudsman; and

"(B) carry out through the Office a State Long-Term Care Ombudsman program.

"(2) **OMBUDSMAN.**—The Office shall be headed by an individual, to be known as the State Long-Term Care Ombudsman, who shall be selected from among individuals described in section 201(d)(3).

"(3) **FUNCTIONS.**—The Ombudsman shall serve on a full-time basis, and shall, directly or through representatives of the Office—

"(A) identify, investigate, and resolve complaints that—

"(i) are made by, or on behalf of, older individuals who are residents of long-term care facilities; and

"(ii) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents, of—

"(I) providers, or representatives of providers, of long-term care services;

"(II) public agencies; or

"(III) health and social service agencies;

"(B) provide services to assist the residents in protecting the health, safety, welfare, and rights of the residents;

"(C) inform the residents about means of obtaining services described in subparagraphs (A) and (B);

"(D) ensure that the residents have regular and timely access to the services provided through the Office and that residents and complainants receive timely responses to complaints from representatives of the Office;

"(E) represent the interests of residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

"(F) provide administrative and technical assistance to entities designated under paragraph (5) to assist the entities in participating in the program;

"(G)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State;

"(ii) recommend any changes in such laws, regulations, policies and actions that the Office determines to be appropriate; and

"(iii) facilitate public comment on the laws, regulations, policies, and actions;

"(H)(i) provide for training representatives of the Office;

"(ii) promote the development of citizen organizations, to participate in the program; and

"(iii) provide technical support for the development of resident and family councils to protect the well-being and rights of residents of long-term care facilities; and

"(I) carry out such other activities as the Commissioner determines to be appropriate.

"(4) CONTRACTS AND ARRANGEMENTS.—

"(A) **IN GENERAL.**—Except as provided in subparagraph (B), the State agency may establish and operate the office, and carry out the program, directly, or by contract or other arrangement with any public agency or other appropriate private nonprofit organization.

"(B) **LICENSING AND CERTIFICATION ORGANIZATIONS; ASSOCIATIONS.**—The State agency may not enter into the contract or other arrangement described in subparagraph (A) with—

"(i) an agency or organization that is responsible for licensing or certifying long-term care services in the State; or

"(ii) an association (or an affiliate of such an association) of long-term care facilities (including any other residential facility for older individuals).

"(5) DESIGNATION OF AREA OR LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.—

"(A) **DESIGNATION.**—In carrying out the duties of the Office, the Ombudsman may designate an entity as an area or local Ombudsman entity, and may designate an employee or volunteer to represent the entity.

"(B) **DUTIES.**—An individual so designated shall, in accordance with the policies and provisions established by the Office and the State agency—

"(i) provide services to protect the health, safety, welfare and rights of residents of long-term care facilities;

"(ii) ensure that residents of long-term care facilities in the service areas of the entity have regular, timely access to representatives of the State Long-Term Care Ombudsman program and

timely responses to complaints and requests for assistance;

"(iii) identify, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities that relate to action, inaction, or decisions that may adversely affect the health, safety, welfare, or rights of the residents;

"(iv) represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

"(v)(I) review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents of long-term care facilities; and

"(II) facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

"(vi) support the development of resident and family councils; and

"(vii) carry out other activities that the Ombudsman determines to be appropriate.

"(C) **ELIGIBILITY FOR DESIGNATION.**—Area or local entities eligible to be designated as Ombudsman entities, and persons eligible to be designated as representatives, shall—

"(i) have demonstrated capability to carry out the responsibilities of the Office;

"(ii) be free of conflicts of interest;

"(iii) in the case of the entities, be public or private not-for-profit entities; and

"(iv) meet such additional requirements as the Ombudsman may specify.

"(D) POLICIES AND PROCEDURES.—

"(i) **IN GENERAL.**—The State agency shall establish, in accordance with the Office of the State Long-Term Care Ombudsman, policies and procedures for monitoring area and local Ombudsman entities designated as subdivisions of the Office under subparagraph (A).

"(ii) **POLICIES.**—In a case in which the entities are grantees or employees of area agencies on aging, the State agency will develop the policies in consultation with the area agencies on aging. The policies shall provide for participation and comment by the agencies and for resolution of concerns with respect to case activity.

"(iii) **CONFIDENTIALITY AND DISCLOSURE.**—The State agency shall develop the policies and procedures in accordance with all provisions of this title regarding confidentiality and conflict of interest.

"(b) PROCEDURES FOR ACCESS.—

"(1) **IN GENERAL.**—The State shall ensure that representatives of the Office shall have—

"(A) immediate access to long-term care facilities and the residents of the facilities;

"(B) appropriate access to review the medical and social records of a resident, if—

"(i) the representative has the permission of a resident, or the legal representative of a resident; or

"(ii) a resident is unable to consent to the review and has no legal representative;

"(C) access to administrative records of long-term care facilities; and

"(D) access to and, on request, copies of all licensing and certification records maintained by the State with respect to long-term care facilities.

"(2) **PROCEDURES.**—The State agency shall establish procedures to ensure the access described in paragraph (1).

"(c) **REPORTING SYSTEM.**—The State agency shall establish a statewide uniform reporting system to—

"(1) collect and analyze data relating to complaints and conditions in long-term care facilities or to residents of the facilities for the purpose of identifying and resolving significant problems; and

"(2) submit the data, on a regular basis, to—

"(A) the agency of the State responsible for licensing or certifying long-term care facilities in the State;

"(B) other State and Federal entities that the Ombudsman determines to be appropriate; and

"(C) the Commissioner.

"(d) DISCLOSURE.—

"(1) IN GENERAL.—The State agency shall establish procedures for the disclosure of files, and of records described in subsection (b)(1), that are maintained by the program.

"(2) IDENTITY OF COMPLAINANT OR RESIDENT.—The procedures described in paragraph (1) shall—

"(A) provide that, subject to subparagraph (B), the files and records described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files and records); and

"(B) prohibit the disclosure of the identity of any complainant or resident of a long-term care facility with respect to whom the State agency maintains such files or records unless—

"(i) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing;

"(ii) in a case in which the complainant or resident is mentally competent and unable to provide written consent due to physical infirmity or other extreme circumstance—

"(I) the complainant or resident gives consent orally; and

"(II) the consent is documented contemporaneously in a writing made by a representative of the Office and reported in writing to the Ombudsman as soon as practicable; or

"(iii) the disclosure is required by court order.

"(e) CONSULTATION.—In planning and operating the program, the State agency shall consider the views of area agencies on aging, older individuals, and provider entities.

"(f) CONFLICT OF INTEREST.—The State agency shall—

"(1) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (a)(5), is subject to a conflict of interest;

"(2) ensure that no officer, employee, or other representative of the Office, or member of the immediate family of the officer, employee, or other representative of the Office, is subject to a conflict of interest; and

"(3) establish, and specify in writing, mechanisms to identify and remove conflicts of interest referred to in paragraphs (1) and (2), including such mechanisms as—

"(A) the methods by which the State agency will examine individuals, and immediate family members, to identify the conflicts; and

"(B) the actions that the State agency will require the individuals and such family members to take to remove such conflicts.

"(g) LEGAL COUNSEL.—The State agency shall ensure that—

"(1)(A) adequate legal counsel is available to—

"(i) provide advice and consultation needed to protect the health, safety, welfare, and rights of residents of long-term care facilities; and

"(ii) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

"(B) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative; and

"(2) the Office pursues administrative, legal, and other appropriate remedies on behalf of residents of long-term care facilities.

"(h) ADMINISTRATION.—The State agency shall require the Office to—

"(1) prepare an annual report—

"(A) describing the activities carried out by the Office in the year for which the report is prepared;

"(B) containing and analyzing the data collected under subsection (c);

"(C) evaluating the problems experienced by, and the complaints made by or on behalf of, residents of long-term care facilities;

"(D) containing recommendations for—

"(i) improving quality of the care and life of the residents; and

"(ii) protecting the health, safety, welfare, and rights of the residents;

"(E)(i) analyzing the success of the program including success in providing services to residents of board and care facilities and other similar adult care homes; and

"(ii) identifying barriers that prevent the optimal operation of the program; and

"(F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of the residents, to protect the health, safety, welfare, and rights of the residents, and to remove the barriers;

"(2) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain to long-term care facilities and services, and to the health, safety, welfare, and rights of the residents, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

"(3)(A) provide such information as the Office determines to be necessary to public and private agencies, legislators, and other persons, regarding—

"(i) the problems and concerns of older individuals residing in long-term care facilities; and

"(ii) recommendations related to the problems and concerns; and

"(B) make available to the public, and submit to the Commissioner, the chief executive officer of the State, the State legislature, the State agency responsible for licensing or certifying long-term care facilities, and other appropriate governmental entities, each report prepared under paragraph (1);

"(4)(A) not later than January 1, 1993, establish procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards developed by the National Ombudsman Resource Center established under section 202(a)(21), in consultation with representatives of citizen groups, long-term care providers, and the State Office of Long-Term Care Ombudsman, that—

"(i) specify a minimum number of hours of initial training;

"(ii) specify the content of the training, including training relating to—

"(I) Federal, State, and local laws, regulations, and policies, with respect to long-term care facilities in the State;

"(II) investigative techniques; and

"(III) such other matters as the State determines to be appropriate; and

"(iii) specify an annual number of hours of in-service training for all designated representatives; and

"(B) require implementation of the procedures effective October 1, 1993;

"(5) prohibit any representative of the Office (other than the Ombudsman) from carrying out any activity described in subparagraphs (A) through (G) of subsection (a)(3) unless the representative—

"(A) has received the training required under subsection (h)(4); and

"(B) has been approved by the Ombudsman as qualified to carry out the activity on behalf of the Office.

"(6) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illnesses established under—

"(A) part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.); and

"(B) the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

"(7) coordinate, to the greatest extent possible, ombudsman services with legal assistance services provided under section 306(a)(2)(C), through adoption of memoranda of understanding and other means; and

"(8) include any area or local Ombudsman entity designated by the Ombudsman under subsection (a)(5) as a subdivision of the Office.

"(i) LIABILITY.—The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(j) NONINTERFERENCE.—The State shall—

"(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by the Commissioner) shall be unlawful;

"(2) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of the Office; and

"(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

"SEC. 713. REGULATIONS.

"The Commissioner shall issue and periodically update regulations respecting conflicts of interest by persons described in paragraphs (1) and (2) of section 712(f)."

SEC. 603. PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.

(a) PURPOSE.—The purpose of this section is to assist States in the design, development, and coordination of comprehensive services of the State and local levels to prevent, treat, and remedy elder abuse, neglect, and exploitation.

(b) PROGRAMS.—Title VII (as added by section 601, and amended by section 602, of this Act) is amended by adding at the end the following new part:

"PART C—PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION

"SEC. 721. PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.

"(a) ESTABLISHMENT.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(b), a State agency shall, in accordance with this section, develop and enhance programs for the prevention of abuse, neglect, and exploitation of older individuals.

"(b) USE OF ALLOTMENTS.—The State agency shall use an allotment made under subsection (a) to carry out, through the programs described in subsection (a), activities to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation, including—

"(1) providing for public education and outreach to identify and prevent abuse, neglect, and exploitation of older individuals;

"(2) ensuring the coordination of services provided by area agencies on aging with services instituted under the State adult protection service program;

"(3) promoting the development of information and data systems, including elder abuse reporting systems, to quantify the extent of elder abuse, neglect, and exploitation in the State;

"(4) conducting analysis of State information concerning elder abuse, neglect, and exploi-

tation and identifying unmet service, enforcement, or intervention needs;

"(5) conducting training for individuals, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation, with particular focus on prevention and enhancement of self-determination and autonomy;

"(6) providing technical assistance to programs that provide or have the potential to provide services for victims of abuse, neglect, and exploitation and for family members of the victims;

"(7) conducting special and on-going training, for individuals involved in serving victims of abuse, neglect, and exploitation, on the topics of self-determination, individual rights, State and Federal requirements concerning confidentiality, and other topics determined to be a State agency to be appropriate; and

"(8) promoting the development of an elder abuse, neglect, and exploitation system—

"(A) that includes a State elder abuse, neglect, and exploitation law that includes provisions for immunity, for persons reporting instances of elder abuse, neglect, and exploitation, from prosecution arising out of such reporting, under any State or local law;

"(B) under which a State agency—

"(i) on receipt of a report of known or suspected instances of elder abuse, neglect, or exploitation, shall promptly initiate an investigation to substantiate the accuracy of the report; and

"(ii) on a finding of abuse, neglect, or exploitation, shall take steps, including appropriate referral, to protect the health and welfare of the abused, neglected, or exploited elder;

"(C) that includes, throughout the State, in connection with the enforcement of elder abuse, neglect, and exploitation laws and with the reporting of suspected instances of elder abuse, neglect, and exploitation—

"(i) such administrative procedures;

"(ii) such personnel trained in the special problems of elder abuse, neglect, and exploitation prevention and treatment;

"(iii) such training procedures;

"(iv) such institutional and other facilities (public and private); and

"(v) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with elder abuse, neglect, and exploitation cases in the State;

"(D) that preserves the confidentiality of records in order to protect the rights of elders;

"(E) that provides for the cooperation of law enforcement officials, courts of competent jurisdiction, and State agencies providing human services with respect to special problems of elder abuse, neglect, and exploitation;

"(F) that enables an elder to participate in decisions regarding the welfare of the elder, and makes the least restrictive alternatives available to an elder who is abused, neglected, or exploited; and

"(G) that includes a State clearinghouse for dissemination of information to the general public with respect to—

"(i) the problems of elder abuse, neglect, and exploitation;

"(ii) the facilities; and

"(iii) prevention and treatment methods available to combat instances of elder abuse, neglect, and exploitation.

"(c) **APPROACH.**—In developing and enhancing programs under subsection (a), the State agency shall use a comprehensive approach to identify and assist older individuals who are subject to abuse, neglect, and exploitation, including older individuals who live in State li-

censed facilities, unlicensed facilities, or domestic or community-based settings.

"(d) **COORDINATION.**—In developing and enhancing programs under subsection (a), the State agency shall coordinate the programs with other State and local programs and services for the protection of vulnerable adults, particularly vulnerable older individuals, including programs and services such as—

"(1) area agency on aging programs;

"(2) adult protective service programs;

"(3) the State Long-Term Care Ombudsman program established in part B;

"(4) protection and advocacy programs;

"(5) facility and other long-term care provider licensure and certification programs;

"(6) Medicaid fraud and abuse services;

"(7) victim assistance programs; and

"(8) consumer protection and law enforcement programs, as well as other State and local programs that identify and assist vulnerable older individuals.

"(e) **REQUIREMENTS.**—In developing and enhancing programs under subsection (a), the State agency shall—

"(1) not permit involuntary or coerced participation in such programs by alleged victims, abusers, or members of their households;

"(2) require that all information gathered in the course of receiving a report described in subsection (b)(8)(B)(i), and making a referral described in subsection (b)(8)(B)(ii), shall remain confidential unless—

"(A) all parties to such complaint or report consent in writing to the release of such information; or

"(B) the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; and

"(3) make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in paragraph (2) by entering into memoranda of understanding that narrowly limit disclosure of information, consistent with the requirements described in paragraph (2)."

SEC. 604. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAMS.

Title VII (as added by section 601, and amended by sections 602 and 603(b), of this Act) is further amended by adding at the end the following new part:

"PART D—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM

"SEC. 731. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT.

"(a) **ESTABLISHMENT.**—

"(1) **IN GENERAL.**—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(c), a State agency shall, in accordance with this section, establish a program to provide leadership for expanding the quality and quantity of legal and advocacy assistance as a means for ensuring a comprehensive elder rights system.

"(2) **FOCUS.**—In carrying out the program established under this part, the State agency shall coordinate the providers in the State that assist older individuals in—

"(A) understanding the rights of the individuals;

"(B) exercising choice;

"(C) benefiting from services and opportunities promised by law;

"(D) maintaining rights consistent with the capacity of the individuals; and

"(E) solving disputes using the most efficient and appropriate methods for representation and assistance.

"(b) **FUNCTIONS.**—In carrying out this part, the State agency shall—

"(1) establish a focal point for elder rights policy review, analysis, and advocacy at the State level, including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decisionmaking, protective services, public benefits, and dispute resolutions;

"(2) provide a State legal assistance developer and other personnel sufficient to ensure—

"(A) State leadership in securing and maintaining legal rights of older individuals;

"(B) capacity for coordinating the provision of legal assistance; and

"(C) capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons as appropriate;

"(3)(A) develop, in conjunction with area agencies on aging and legal assistance providers, statewide standards for the delivery of legal assistance to older individuals; and

"(B) provide technical assistance to area agencies on aging and legal assistance providers to enhance and monitor the quality and quantity of legal assistance to older individuals, including technical assistance in developing plans for targeting services to reach the individuals with greatest economic and social need (with particular attention to low-income minority individuals);

"(4) provide consultation to, and ensure, the coordination of activities with the legal assistance services provided under title III, services provided by the Legal Services Corporation, and services provided under parts B, C, and E, as well as other State or Federal programs administered at the State and local levels that address the legal assistance needs of older individuals;

"(5) provide for the education and training of professionals, volunteers, and older individuals concerning elder rights, the requirements and benefits of specific laws, and methods for enhancing the coordination of services;

"(6) promote the development of, and provide technical assistance concerning, pro bono legal assistance programs, State and local bar committees on aging, legal hot lines, alternative dispute resolution, aging law curricula in law schools and other appropriate educational institutions, and other methods to expand access by older individuals to legal assistance and other advocacy and elder rights services;

"(7) provide for periodic assessments of the status of elder rights in the State, including analysis—

"(A) of the unmet need for assistance in resolving legal problems and benefits-related problems, methods for expanding advocacy services, the status of substitute decisionmaking systems and services (including systems and services regarding guardianship, representative payeeship, and advance directives), access to courts and the justice system, and the implementation of civil rights and age discrimination laws in the State; and

"(B) of problems and unmet needs identified in programs established under title III and other programs; and

"(8) develop working agreements with—

"(A) State entities, including the consumer protection agency, the court system, the attorney general, the State equal employment opportunity commission, and other appropriate State agencies and entities; and

"(B) Federal entities, including the Social Security Administration and the Veterans' Administration, and other appropriate entities, for the purpose of identifying elder rights services provided by the entities, and coordinating services with programs established under title III and parts B, C, and E of the title."

SEC. 605. OUTREACH, COUNSELING, AND ASSISTANCE PROGRAMS.

(a) **PURPOSE.**—The purpose of this section is to provide outreach, counseling, and assistance

in order to assist older individuals in obtaining benefits under—

(1) public and private health insurance, long-term care insurance, and life insurance programs; and

(2) public benefit programs to which the individuals are entitled, including benefits under the supplemental security income, medicaid, medicare, food stamp, and low-income home energy assistance programs.

(b) PROGRAM.—Title VII (as added by section 601, and amended by sections 602, 603(b), and 604, of this Act) is amended by adding at the end the following new part:

"PART E—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM

"SEC. 741. STATE OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFIT PROGRAMS.

"(a) DEFINITIONS.—As used in this section:

"(1) INSURANCE PROGRAM.—The term 'insurance program' means—

"(A) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(B) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); or

"(C) another public or private insurance program.

"(2) PUBLIC BENEFIT PROGRAM.—The term 'public benefit program' means—

"(A) the medicaid program established under title XIX of the Social Security Act;

"(B) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

"(C) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

"(D) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

"(E) with respect to a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)), the medicare program described in title XVIII of the Social Security Act; or

"(F) another public benefit program.

"(3) MEDICARE SUPPLEMENTAL POLICY.—The term 'medicare supplemental policy' has the meaning given the term in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

"(4) STATE INSURANCE ASSISTANCE PROGRAM.—The term 'insurance assistance program' means the program established under subsection (b)(1).

"(5) STATE PUBLIC BENEFIT ASSISTANCE PROGRAM.—The term 'public benefit assistance program' means the program established under subsection (b)(2).

"(b) ESTABLISHMENT.—In order to receive an allotment under section 703 from funds appropriated under section 702(d), a State agency shall, in coordination with area agencies on aging and in accordance with this section, establish—

"(1) a program to provide to older individuals outreach, counseling, and assistance related to obtaining benefits under an insurance program; and

"(2) a program to provide outreach, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, benefits under a public benefit program, including benefits as a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act.

"(c) INSURANCE AND PUBLIC BENEFITS PROGRAMS.—The State agency shall—

"(1) in carrying out a State insurance assistance program—

"(A) provide information and counseling to assist older individuals—

"(i) in filing claims and obtaining benefits under title XVIII and title XIX of the Social Security Act;

"(ii) in comparing medicare supplemental policies and in filing claims and obtaining benefits under such policies;

"(iii) in comparing long-term care insurance policies and in filing claims and obtaining benefits under such policies;

"(iv) in comparing other types of health insurance policies not described in clause (iii) and in filing claims and obtaining benefits under such policies;

"(v) in comparing life insurance policies and in filing claims and obtaining benefits under such policies; and

"(vi) in comparing other forms of insurance policies not described in clause (v) and in filing claims and obtaining benefits under such policies as determined necessary;

"(B) establish a system of referrals to appropriate providers of legal assistance, and to appropriate agencies of the Federal or State government regarding the problems of older individuals related to health and other forms of insurance and public benefits programs;

"(C) ensure that services provided under the program will be coordinated with programs established under parts B, C, and D of this title, and under title III;

"(D) provide for adequate and trained staff (including volunteers) necessary to carry out the program;

"(E) ensure that staff (including volunteers) of the agency and of any agency or organization described in subsection (d) will not be subject to a conflict of interest in providing services under the program;

"(F) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to insurance and public benefits programs;

"(G) provide for the coordination of information on insurance programs between the staff of departments and agencies of the State government and the staff (including volunteers) of the program; and

"(H) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, health or other insurance; and

"(2) in carrying out a State public benefits assistance program—

"(A) carry out activities to identify older individuals with the greatest economic need who may be eligible for, but who are not receiving, benefits or assistance under a public benefits program;

"(B) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such assistance and such benefits;

"(C) assist older individuals in applying for such assistance and such benefits;

"(D) establish a system of referrals to appropriate providers of legal assistance, or to appropriate agencies of the Federal or State government regarding the problems of older individuals related to public benefit programs;

"(E) comply with the requirements specified in subparagraphs (C) through (E) of paragraph (1) with respect to the State public benefits assistance program;

"(F) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to public benefits programs;

"(G) provide for the coordination of information on public benefits programs between the staff of departments and agencies of the State government and the staff (including volunteers) of the State public benefits assistance program; and

"(H) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, benefits under a public benefits program.

"(d) ADMINISTRATION.—The State agency may operate the State insurance and State public benefits assistance programs directly, in cooperation with other State agencies, or under an agreement with a statewide nonprofit organization, area agency on aging, or another public, or nonprofit agency or organization.

"(e) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this part shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local insurance or public benefits program.

"(f) COORDINATION.—A State that receives an allotment under section 703 and receives a grant under section 4360 of the Omnibus Reconciliation Act of 1990 (42 U.S.C. 1395b-4) to provide services in accordance with the section shall coordinate the services with activities provided by the State agency through the programs described in paragraphs (1) and (2) of subsection (b)."

SEC. 606. TECHNICAL AND CONFORMING AMENDMENTS.

(a) OMBUDSMAN PROGRAM.—

(1) SOCIAL SECURITY ACT.—

(A) Section 1819 of the Social Security Act (42 U.S.C. 1395i-3) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(B) Section 1919 of the Social Security Act (42 U.S.C. 1396r) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(2) OLDER AMERICANS ACT OF 1965.—

(A) Section 207(b) (42 U.S.C. 3018(b)) is amended—

(i) in paragraph (1)(A), by striking "by section 307(a)(12)(C)" and inserting "under titles III and VII in accordance with section 712(c)"; and

(ii) in paragraph (3)—

(I) by striking "by section 307(a)(12)(H)(i)" and inserting "under titles III and VII in accordance with section 712(h)(1)"; and

(II) by striking subparagraph (E) and inserting the following new subparagraph:

"(E) each public agency or private organization designated as an Office of the State Long-Term Care Ombudsman under title III or VII in accordance with section 712(a)(4)(A)."

(B) Section 301(c) (42 U.S.C. 3021(c)) is amended by striking "section 307(a)(12), and to individuals designated under such section" and inserting "section 307(a)(12) in accordance with section 712, and to individuals within such programs designated under section 712".

(C) Section 304(d)(1)(C) (42 U.S.C. 3024(d)(1)(C)) is amended by striking "(excluding any amount" and all that follows through "303(a)(3))".

(D) Section 351(4) (42 U.S.C. 30301(4)) is amended by striking "under section 307(a)(12)" and inserting "under titles III and VII in accordance with section 712".

(b) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—

(1) Section 321(15) (42 U.S.C. 3030d(15)) is amended by striking "clause (16) of section 307(a)" and inserting "part C of title VII".

(2) Section 431(b) (42 U.S.C. 3037(b)) is amended by striking "(other than sections 306(a)(6)(P), 307(a)(12), and 311, and parts E, F, and G)" and inserting "(other than sections 307(a)(12) and 311 and parts E and F)".

(c) OUTREACH PROGRAMS.—

(1) Section 202(a)(20) (42 U.S.C. 3012(a)(20)) is amended by striking "under section 307(a)(31)".

(2) Section 207(c) (42 U.S.C. 3018(c)) is amended—

(A) in the first sentence, by striking "on the evaluations required to be submitted under section 307(a)(31)(D)" and inserting "on the outreach activities supported under this Act"; and

(B) in paragraph (1), by striking "outreach activities supported under section 306(a)(6)(P)" and inserting "the activities".

(3) Section 303(a) (42 U.S.C. 3023(a)) is amended by striking "for purposes other than outreach activities and application assistance under section 307(a)(31)".

(4) Section 307(a)(20)(A) (42 U.S.C. 3027(a)(20)(A)) is amended by striking "sections 306(a)(2)(A) and 306(a)(6)(P)" and inserting "section 306(a)(2)(A)".

TITLE VII—PENSION PROGRAMS

SEC. 701. SHORT TITLE.

This title may be cited as the "Pension Restoration Act of 1991".

SEC. 702. DEFINITIONS.

For purposes of this title—

(1) STATE; UNITED STATES.—The terms "State" and "United States" have the meanings set forth in paragraph (10) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

(2) EMPLOYER; PARTICIPANT; BENEFICIARY; NONFORFEITABLE; DEFINED BENEFIT PLAN.—The terms "employer", "participant", "beneficiary", "nonforfeitable", and "defined benefit plan" have the meanings set forth in paragraphs (5), (7), (8), (19), and (35), respectively, of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

(3) EARLY TERMINATED PLAN.—The term "early terminated plan" means a defined benefit plan—

(A) which is described in subsection (a) of section 4 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1003) and is not described in subsection (b) of that section, and

(B) the termination date of which (as determined by the Corporation) was before September 1, 1974.

(4) QUALIFIED PARTICIPANT.—The term "qualified participant" means an individual who—

(A) was a participant in an early terminated plan maintained by an employer of such individual, and

(B) as of immediately before the termination of the plan had a nonforfeitable right to benefits under the plan.

(5) QUALIFIED SPOUSE.—The term "qualified spouse" means an individual who is the widow (within the meaning of section 216(c) of the Social Security Act (42 U.S.C. 416(c)) or the widower (within the meaning of section 216(g) of such Act (42 U.S.C. 416(g))) of a qualified participant.

(6) CORPORATION.—The term "Corporation" means the Pension Benefit Guaranty Corporation.

SEC. 703. ENTITLEMENT TO ANNUITY.

(a) ENTITLEMENT OF QUALIFIED PARTICIPANT.—

(1) IN GENERAL.—A qualified participant is entitled, upon approval under this title of an application therefor, to an annuity computed under section 704(a).

(2) COMMENCEMENT.—The annuity of a qualified participant commences on the day after the later of—

(A) the effective date set forth in section 712, or

(B) the date on which the qualified participant attains 65 years of age.

(3) TERMINATION.—The annuity of a qualified participant and the right thereto terminate at the end of the last calendar month preceding the date of the qualified participant's death.

(b) ENTITLEMENT OF QUALIFIED SPOUSE.—

(1) IN GENERAL.—A qualified spouse is entitled, upon approval under this title of an application therefor, to an annuity computed under section 704(b).

(2) COMMENCEMENT.—The annuity of a qualified spouse of a qualified participant commences on the latest of—

(A) the effective date set forth in section 712,

(B) the first day of the month in which the qualified participant dies, or

(C) if the qualified participant dies before attaining 65 years of age, the first day of the month in which the qualified participant would have attained such age but for the qualified participant's death.

(3) TERMINATION.—The annuity of a qualified spouse and the right thereto terminate at the end of the last calendar month preceding the date of the qualified spouse's death.

SEC. 704. COMPUTATION OF ANNUITY.

(a) QUALIFIED PARTICIPANT'S ANNUITY.—The annuity computed under this subsection (relating to a qualified participant) in connection with any early terminated plan is equal to the excess (if any) of—

(1) the product derived by multiplying \$75 by the number of years of service of the qualified participant under the plan, over

(2) the annual amount which would be necessary to amortize in level amounts over 10 years the sum of—

(A) any lump sums paid to the qualified participant from the plan in connection with the termination, and

(B) the actuarial present value (determined, as of the effective date set forth in section 712, under the assumptions used by the Corporation for purposes of section 4044 of the Employee Retirement Income Security Act of 1974) of pension benefits under the plan (if any) to which the qualified participant retains a nonforfeitable right under the plan.

(b) QUALIFIED SPOUSE'S ANNUITY.—The annuity computed under this subsection (relating to the qualified spouse of a qualified participant) in connection with an early terminated plan is equal to the excess (if any) of—

(1) 50 percent of the amount determined under paragraph (1) of subsection (a) in connection with such qualified participant, over

(2) the annual amount which would be necessary to amortize in level amounts over 10 years the sum of—

(A) any lump sums paid to the qualified spouse from the plan in connection with the termination, and

(B) the actuarial present value (determined, as of the effective date set forth in section 712, under the assumptions used by the Corporation for purposes of section 4044 of the Employee Retirement Income Security Act of 1974) of pension benefits under the plan (if any) to which the qualified spouse retains a nonforfeitable right under the plan.

(c) REDUCTION IN ANNUITIES.—

(1) IN GENERAL.—If this subsection applies for any fiscal year, the Corporation may provide for a pro rata reduction for such fiscal year in each annuity computed under subsections (a) and (b) in the amount the Corporation determines necessary.

(2) YEARS TO WHICH SUBSECTION APPLIES.—This subsection shall apply for any fiscal year if the Corporation determines that its long-range actuarial balance for single employer operations as of the close of the preceding fiscal year is not in close actuarial balance. Such determination shall be made in a manner similar to the determination under the Old-Age and Survivors Disability Insurance Trust Funds, except that such determination shall be for no less than 50 years and the threshold for such determination shall be no less than 120 percent of the cost rate.

(3) REPORTING.—The Corporation shall report to the appropriate committees of Congress—

(A) if it determines it is necessary to reduce the amount of the benefits under this section for any fiscal year, and

(B) the actuarial balance determined under paragraph (2) and the method for determining it.

SEC. 705. APPLICATIONS.

(a) REQUIREMENTS.—An application for an annuity under this title in connection with an early terminated plan shall be approved if—

(1) the application includes evidence sufficient to establish that the applicant is a qualified participant or qualified spouse in connection with such plan, or

(2) the evidence included in the application, together with such evidence as the applicant may request the Corporation to consider pursuant to subsection (c), establishes that the applicant is a qualified participant or a qualified spouse in connection with such plan.

(b) APPLICATION FORMS.—The Corporation may by regulation prescribe application forms which may be used by applicants for purposes of subsection (a). Any such forms prescribed by the Corporation shall be made available to the public by the Corporation.

(c) SPECIFIC MATTERS.—In considering applications for annuities under this title, the Corporation shall consider, on the request of an applicant or the applicant's representative, in addition to any other relevant evidence—

(1) a comparison of employment and payroll records which were maintained under chapter 21 of the Internal Revenue Code of 1986 (relating to Federal Insurance Contributions Act) or under the Social Security Act (42 U.S.C. 301 et seq.) with records maintained by the Internal Revenue Service relating to the qualification status of trusts forming part of a stock bonus, pension, or profit-sharing plan under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to pension, profit sharing, stock bonus plans, etc.), and

(2) records maintained under the Welfare and Pension Plans Disclosure Act of 1958.

(d) PROCEDURES FOR INITIAL DETERMINATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, in making initial determinations regarding applications for annuities under this title, the Corporation shall follow the procedures prescribed by the Corporation for—

(A) initial determinations of benefit entitlement of participants and beneficiaries under plans to which section 4021 of the Employee Retirement Income Security Act of 1974 applies, and

(B) determinations of the amount of guaranteed benefits of such participants and beneficiaries under title IV of such Act.

(2) NOTICES OF DENIAL.—The Corporation shall send any individual whose application under this title is denied by the Corporation pursuant to an initial determination a written notice of the denial. Such notice shall include the reason for the denial and shall set forth the procedures required to be followed in order to obtain review under this title.

SEC. 706. ADMINISTRATIVE APPEALS.

(a) IN GENERAL.—Any individual whose application for an annuity under this title is denied pursuant to an initial determination by the Corporation is entitled to—

(1) a reasonable time, but not less than 60 days after receipt of the written notice of denial described in section 705(d)(2), to request a review by the Corporation and to furnish affidavits and other documentary evidence in support of the request, and

(2) a written decision and the specific reasons therefor at the earliest practicable date.

(b) PROCEDURES.—Except as otherwise provided in subsection (a), in reviewing initial de-

terminations regarding applications for annuities under this title, the Corporation shall follow the procedures prescribed by the Corporation for requesting and obtaining administrative review by the Corporation of determinations described in subparagraphs (A) and (B) of section 705(d)(1).

SEC. 707. JUDICIAL REVIEW.

(a) IN GENERAL.—Any individual, after any final decision made under section 706, irrespective of the amount in controversy, may obtain judicial review of the decision by a civil action commenced under this section within 180 days after the mailing to the individual of notice of such decision or within such further time as the Corporation may allow.

(b) VENUE.—Any action commenced under this section shall be brought in the district court of the United States for the judicial district in which the plaintiff resides or in the United States District Court for the District of Columbia.

(c) RECORD.—As part of any answer by the Corporation, the Corporation shall file a certified copy of the transcript of the record, including the evidence upon which the findings and decision complained of are based.

(d) JUDGMENT.—The court shall enter, upon the pleadings and transcript of the record a judgment affirming, modifying, or reversing the decision, with or without remanding the case for a rehearing.

(e) REMANDED CASES.—

(1) AUTHORITY TO REMAND TO THE CORPORATION.—The court shall, on the motion of the Corporation made before the Corporation files its answer, remand the case to the Corporation for further action by the Corporation. The court may, at any time, on good cause shown, order additional evidence to be taken before the Corporation.

(2) RECONSIDERATION ON REMAND.—The Corporation shall, after the case is remanded, and after hearing such additional evidence if so ordered—

(A) modify or affirm the earlier findings of fact or decision, or both, under section 706, and

(B) file with the court any such additional and modified findings of fact and decision, and a transcript of the additional record and testimony upon which the Corporation's action in modifying or affirming was based.

(f) FINAL JUDGMENT.—The judgment of the court shall be final except that it shall be subject to review in the same manner as a judgment in other civil actions.

SEC. 708. PAYMENT OF ANNUITIES.

(a) FORMS OF PAYMENT.—

(1) YEARLY PAYMENTS.—Each annuity payable under this title shall be payable as an annual amount.

(2) RETROACTIVE LUMP-SUM PAYMENTS.—Any individual whose claim for an annuity under this title is approved after the date on which the annuity commences under subsection (a)(2) or (b)(2) of section 703 shall be paid the total amount of the annuity payments for periods before the date on which the claim is approved in the form of a lump-sum payment.

(b) CASES OF INCOMPETENCY.—Payment due an individual mentally incompetent or under other legal disability may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or the claimant's estate. If a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the claimant, payment may be made to any person who is responsible for the care of the claimant, and the payment bars recovery by any other person.

(c) DIVORCES, ETC.—

(1) ALTERNATIVE PAYEES.—Payments under this title which would otherwise be made to a person under this title shall be made (in whole or in part) to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

(2) NOTIFICATION REQUIREMENTS.—Paragraph (1) shall only apply to payments made by the Corporation under this title after the date of receipt by the Corporation of written notification of such decree, order, or agreement, and such additional information and documentation as the Corporation may prescribe.

(3) COURT.—As used in this subsection, the term "court" means any court of any State.

(d) INALIENABILITY.—Amounts payable under this title are not assignable, either in law or equity, or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal law.

(e) FORGIVENESS.—Recovery of payments under this title may not be made from an individual in any case in which the Corporation determines that the individual is without fault and recovery would be against equity and good conscience.

SEC. 709. INTERAGENCY COORDINATION AND COOPERATION.

(a) IN GENERAL.—The Corporation may make such arrangements or agreements with other departments, agencies, or establishments of the United States for cooperation or mutual assistance in the performance of their respective functions under this title as are necessary and appropriate to avoid unnecessary expense and duplication of functions.

(b) USE OF FACILITIES.—The Corporation may use, as appropriate, on a reimbursable or other basis, the facilities or services of any department, agency, or establishment of the United States or of any State or political subdivision thereof, including the services of any of its employees, with the lawful consent of such department, agency, or establishment.

(c) COOPERATION.—

(1) IN GENERAL.—Each department, agency, or establishment of the United States shall cooperate with the Corporation and, to the extent necessary and appropriate, provide such information and facilities as the Corporation may request for its assistance in the performance of the Corporation's functions under this title.

(2) AVAILABILITY OF RECORDS FROM THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services shall provide the Corporation with such records, determined by the Corporation to be necessary to carry out the purposes of this title, as the Corporation may request.

(3) AVAILABILITY OF CONFIDENTIAL TAX RETURNS AND RETURN INFORMATION.—Section 6103(l) of the Internal Revenue Code of 1986 (relating to use of returns and return information for purposes other than tax administration) is amended by adding at the end of paragraph (2) the following new sentence: "Returns and return information shall be open to inspection by or disclosure to officers and employees of the Corporation whose official duties require such inspection or disclosure for the purpose of, but only to the extent necessary in, considering such returns and return information pursuant to section 705(c)(1) of the Pension Restoration Act of 1991, except that such inspection or disclosure shall be permitted only upon written request which sets forth the specific reason or reasons why such inspection or disclosure is necessary and which is signed by the head of the

bureau or office of the Corporation requesting the inspection or disclosure."

SEC. 710. REGULATIONS.

The Corporation shall, before the effective date set forth in section 712, prescribe the initial regulations necessary to carry out the provisions of this title. Regulations under this title shall be prescribed by the Corporation in consultation, as appropriate, with the Secretary of the Treasury and the Secretary of Health and Human Services.

SEC. 711. PROGRAM FUNDING.

(a) PAYMENT.—The Corporation shall use moneys from the appropriate revolving funds established under section 4005 of the Employee Retirement Income Security Act of 1974 to carry out its functions under this title.

(b) TRANSFERS FROM TRUST FUNDS.—The Corporation shall transfer to the revolving funds described in subsection (a) from the trust funds consisting of assets of terminated plans and employer liability payments amounts equal to the amounts needed to carry out its functions under this title.

(c) AMOUNTS DISREGARDED FOR ALLOCATIONS.—Any amount paid by reason of this Act shall be disregarded in computing any ratio (including the proportional funding ratio) used by the Corporation in allocating amounts from any fund of the Corporation.

SEC. 712. EFFECTIVE DATE.

(a) GENERAL RULE.—Except as provided in subsection (b), the provisions of this title shall take effect 60 days after the date of the enactment of this Act.

(b) SPECIAL RULE.—The provisions of sections 710 and 711 shall take effect on the date of the enactment of this Act.

TITLE VIII—OTHER PROGRAMS

Subtitle A—Long-Term Health Care Workers

SEC. 801. DEFINITIONS.

As used in this subtitle:

(1) NURSING HOME NURSE AIDE.—The term "nursing home nurse aide" means an individual employed at a nursing or convalescent home who assists in the care of patients at such a home under the direction of nursing and medical staff.

(2) HOME HEALTH CARE AIDE.—The term "home health care aide" means an individual who—

(A) is self-employed or is employed by a government, charitable, nonprofit, or proprietary agency; and

(B) cares for elderly, convalescent, or handicapped individuals in the home of the individuals by performing routine home assistance (such as housecleaning, cooking, and laundry) and assisting in the health care of such individuals under the direction of a physician or home health nurse.

SEC. 802. INFORMATION REQUIREMENTS.

(a) NATIONAL CENTER FOR HEALTH STATISTICS.—The Director of the National Center for Health Statistics of the Centers for Disease Control shall collect, and prepare a report containing—

(1) demographic information on home health care aides and nursing home nurse aides, including information on the—

(A) age, race, marital status, education, number of children and other dependents, gender, and primary language, of the aides; and

(B) location of facilities at which the aides are employed in—

(i) rural communities; or

(ii) urban or suburban communities; and

(2) in particular, information on the role of the aides in providing home-based and community-based long-term care.

(b) BUREAU OF LABOR STATISTICS.—The Commissioner of the Bureau of Labor Statistics shall collect, and prepare a report containing, infor-

mation on home health care aides and nursing home nurse aides, including—

(1) information on conditions of employment, including—

(A) with respect to both home health care aides and nursing home nurse aides—

(i) the length of employment of the aides at each place of employment;

(ii) the type of employer of the aides (such as a for-profit, private nonprofit, charitable, or government employer, or an independent contractor);

(iii) the number of full-time, part-time, and temporary positions for the aides;

(iv) the number and type of work-related injuries occurring to the aides;

(v) the ratio of aides to professional staff;

(vi) the types of tasks performed by the aides, and the level of skill needed to perform the tasks; and

(vii) the number of hours worked each week by the aides; and

(B) with respect to nursing home nurse aides—

(i) the type of facility (such as a skilled care or intermediate care facility) of the employer of the aides;

(ii) the number of beds at the facility; and

(iii) the ratio of the aides to residents of the facility;

(2) information on employment benefits for home health care aides and nursing home nurse aides, including—

(A) the type of health insurance coverage, including—

(i) whether the insurance plan covers dependents;

(ii) the amount of copayments and deductibles; and

(iii) the amount of premiums;

(B) the type of pension plan coverage;

(C) the amount of vacation, disability, and sick leave;

(D) wage rates; and

(E) the extent of work-related training provided; and

(3) in particular, information on the role of the aides in providing home-based and community-based long-term care.

SEC. 803. REPORTS.

(a) REPORTS TO COMMISSIONER ON AGING.—

(1) TRANSMITTAL.—Not later than 12 months after the date of enactment of this Act, the reports required by subsections (a) and (b) of section 802 shall be transmitted to the Commissioner on Aging.

(2) PREPARATION.—The reports required by subsections (a) and (b) of section 802 shall be prepared and organized in such a manner as the Director of the National Center for Health Statistics and the Commissioner of the Bureau of Labor Statistics, respectively, may determine to be appropriate.

(3) PRESENTATION OF INFORMATION.—The reports required by section 802 shall not identify by name individuals supplying information for purposes of the reports. The reports shall present information collected in the aggregate.

(b) REPORT TO CONGRESS.—The Commissioner on Aging shall review the reports required by subsections (a) and (b) of section 802 and shall submit to the appropriate committees of Congress a report containing—

(1) the reports required by subsections (a) and (b) of section 802;

(2) the comments of the Commissioner on the reports; and

(3) additional information, regarding the roles of nursing home nurse aides and home health care aides in providing long-term care, obtained through the State Long-Term Care Ombudsman program established under sections 307(a)(12) and 712 of the Older Americans Act of 1965.

SEC. 804. OCCUPATIONAL CODE.

The Commissioner of the Bureau of Labor Statistics shall include an occupational code cover-

ing nursing home nurse aides and an occupational code covering home health care aides in each wage survey conducted by the Bureau that begins after the date of enactment of this Act.

Subtitle B—National Student Lunch Act

SEC. 811. MEALS PROVIDED THROUGH ADULT DAY CARE CENTERS.

(a) IN GENERAL.—Section 17(o) of the National School Lunch Act (42 U.S.C. 1766(o)) is amended—

(1) in paragraph (2)(A)(i), by inserting “, or a group living arrangement,” after “homes”; and

(2) in paragraph (3)(B), by inserting “or title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.)” after “1965”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if the amendments had been included in the Older Americans Act Amendments of 1987.

Subtitle C—White House Conference on Aging

SEC. 821. AUTHORIZATION OF THE CONFERENCE.

(a) AUTHORITY TO CALL CONFERENCE.—Section 202(a) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended by striking “1991” and inserting “1993”.

(b) PURPOSE OF THE CONFERENCE.—Section 202(c) of the Act is amended by striking paragraphs (1) through (6) and inserting the following new paragraphs:

“(1) to increase the public awareness of the interdependence of generations and the essential contributions of older individuals to society for the well-being of all generations;

“(2) to identify the problems facing older individuals and the commonalities of the problems with problems of younger generations;

“(3) to examine the well-being of older individuals, including the impact the wellness of older individuals has on our aging society;

“(4) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of the aging;

“(5) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations; and

“(6) to review the status and intergenerational value of recommendations adopted at previous White House Conferences on Aging.”.

SEC. 822. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

“SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

“(a) AUTHORIZATION.—There are authorized to be appropriated \$5,000,000 for each of the fiscal years 1992 and 1993, to remain available until expended.

“(b) NEW AUTHORITY.—New spending authority or authority to enter into contracts as provided in this section shall be effective only to the extent and in such amounts as are provided in advance in appropriations Acts.”.

TITLE IX—GENERAL PROVISIONS

SEC. 901. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), and as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to any plan that is—

(1)(A) an area plan submitted under section 306(a) of the Older Americans Act of 1965; or

(B) a State plan submitted under section 307(a) of such Act; and

(2) approved for any fiscal year beginning before the date of the enactment of this Act.

Mr. ADAMS. Mr. President, on behalf of the committee and with the approval of the chairman and the ranking member, I call up a modification of the committee-reported substitute at the desk. This modification has been authorized by a majority of the members of the Labor and Human Resources Committee.

The PRESIDING OFFICER. The committee has the right to modify the amendment, and the amendment is therefore modified.

The modification is as follows:

Beginning on page 6 of the Committee amendment, strike line 14 and all that follows and insert the following:

(a) SHORT TITLE.—This Act may be cited as the “Older Americans Act Reauthorization Amendments of 1991”.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

TITLE I—OBJECTIVES AND DEFINITIONS

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. References.

TITLE II—ADMINISTRATION

Sec. 201. Objectives.

Sec. 202. Functions of Commissioner.

Sec. 203. Federal agency consultation.

Sec. 204. Consultation with State agencies, area agencies on aging, and Native American grant recipients.

Sec. 205. Federal Council on the Aging.

Sec. 206. Interagency Task Force on Aging.

Sec. 207. Administration.

Sec. 208. Evaluation.

Sec. 209. Reports by Commissioner.

Sec. 210. Study of effectiveness of State Long-Term Care Ombudsman Programs.

Sec. 211. Commissioner.

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

SUBTITLE A—GENERAL PROVISIONS

Sec. 301. Purpose of grants for State and community programs on aging.

Sec. 302. Authorization of appropriations.

Sec. 303. Allotment.

Sec. 304. Organization.

Sec. 305. Area plans.

Sec. 306. State plans.

Sec. 307. Planning, coordination, evaluation, and administration of State plans.

Sec. 308. Disaster relief reimbursements.

Sec. 309. Availability of surplus commodities.

SUBTITLE B—SUPPORTIVE SERVICES AND SENIOR CENTERS

Sec. 311. Supportive services.

SUBTITLE C—NUTRITION SERVICES

Sec. 321. Congregate nutrition services.

Sec. 322. Home delivered nutrition services.

Sec. 323. Criteria.

Sec. 324. Congregate nutrition services and intergenerational activities.

Sec. 325. Senior nutrition.

SUBTITLE D—IN-HOME SERVICES FOR FRAIL OLDER INDIVIDUALS

Sec. 331. Grants for supportive activities for certain individuals who provide in-home services to frail older individuals.

Sec. 332. In-home services.

SUBTITLE E—ADDITIONAL ASSISTANCE FOR SPECIAL NEEDS OF OLDER INDIVIDUALS

Sec. 341. Music, art, and dance/movement therapy.

SUBTITLE F—PREVENTIVE HEALTH SERVICES

- Sec. 351. Program authorized.
Sec. 352. Definition.

SUBTITLE G—PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION

- Sec. 361. Repeal.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

- Sec. 401. Priorities for grants and discretionary projects.
Sec. 402. Purposes of education and training projects.
Sec. 403. Grants and contracts for education and training projects.
Sec. 404. Multidisciplinary centers of gerontology.
Sec. 405. Career preparation for the field of aging.
Sec. 406. Demonstration projects.
Sec. 407. Special projects in comprehensive long-term care.
Sec. 408. Supportive services in federally assisted housing demonstration program.
Sec. 409. Neighborhood senior care program.
Sec. 410. Information and assistance systems development projects.
Sec. 411. Senior Transportation Demonstration Program grants.
Sec. 412. Resource centers on Native American elders.
Sec. 413. Demonstration programs for older individuals with developmental disabilities.
Sec. 414. Long-Term Care Ombudsman demonstration projects.
Sec. 415. Housing ombudsman demonstration program.
Sec. 416. Authorization of appropriations.
Sec. 417. Payments of grants for demonstration projects.
Sec. 418. Responsibilities of Commissioner.

TITLE V—OTHER OLDER AMERICANS PROGRAMS

SUBTITLE A—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

- Sec. 501. Older American Community Service Employment Program.
Sec. 502. Coordination.
Sec. 503. Equitable distribution of assistance.
Sec. 504. Authorization of appropriations.

SUBTITLE B—GRANTS FOR NATIVE AMERICANS

- Sec. 511. Indian program coordination.
Sec. 512. Native Hawaiian coordination.
Sec. 513. Payments.
Sec. 514. Grants for Native Americans.

TITLE VI—ELDER RIGHTS SERVICES

- Sec. 601. Vulnerable elder rights protection activities.
Sec. 602. Ombudsman programs.
Sec. 603. Programs for prevention of abuse, neglect, and exploitation.
Sec. 604. State elder rights and legal assistance development programs.
Sec. 605. Outreach, counseling, and assistance programs.
Sec. 606. Technical and conforming amendments.

TITLE VII—PENSION PROGRAMS

- Sec. 701. Short title.
Sec. 702. Definitions.
Sec. 703. Entitlement to annuity.
Sec. 704. Computation of annuity.
Sec. 705. Applications.
Sec. 706. Administrative appeals.
Sec. 707. Judicial review.
Sec. 708. Payment of annuities.
Sec. 709. Interagency coordination and cooperation.
Sec. 710. Regulations.
Sec. 711. Program funding.

- Sec. 712. Effective date.

TITLE VIII—OTHER PROGRAMS

SUBTITLE A—LONG-TERM HEALTH CARE WORKERS

- Sec. 801. Definitions.
Sec. 802. Information requirements.
Sec. 803. Reports.
Sec. 804. Occupational code.

SUBTITLE B—NATIONAL STUDENT LUNCH ACT

- Sec. 811. Meals provided through adult day care centers.

SUBTITLE C—WHITE HOUSE CONFERENCE ON AGING

- Sec. 821. Authorization of the conference.
Sec. 822. Authorization of appropriations.

TITLE IX—NATIVE AMERICAN PROGRAMS ACT

- Sec. 901. Short title.
Sec. 902. Amendments.

TITLE X—GENERAL PROVISIONS

- Sec. 1001. Effective dates; application of amendments.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) there is a need to consolidate and expand State responsibility for the development, coordination, and management of statewide programs and services directed toward ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights; and

(2) recent program reports and current research and demonstration findings indicate that—

(A) the incidence of elder abuse in domestic settings is estimated at approximately 1,500,000 cases per year;

(B) only one out of eight cases of elder abuse comes to the attention of State elder abuse reporting systems;

(C) half of the complaints received by the State Long-Term Care Ombudsman program relate to abuse, neglect, and exploitation of residents of long-term care facilities;

(D) approximately 2,000,000 older individuals reside in an estimated 90,000 long-term care facilities;

(E) older individuals residing in long-term care facilities are among the most frail and most vulnerable elderly persons in the United States;

(F) the advocacy services of the State Long-Term Care Ombudsman program, in conjunction with the services of legal assistance providers, are essential to protecting and enhancing the rights of residents of long-term care facilities;

(G) more than persons in any other age group, older individuals rely on public benefit programs and services to meet income, housing, and health and supportive services needs;

(H) benefits and protections for older individuals have expanded under Federal laws such as—

(i) the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.);

(ii) the Military Retirement Reform Act of 1986 (Public Law 99-348; 100 Stat. 682);

(iii) the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.);

(iv) the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);

(v) sections 1819 and 1919 of the Social Security Act, regarding nursing home reform (42 U.S.C. 1395i-3 and 1396r);

(vi) section 1924 of the Social Security Act, regarding spousal impoverishment (42 U.S.C. 1395f-5);

(vii) the Cranston-Gonzalez National Affordable Housing Act of 1990 (Public Law 101-625; 104 Stat. 4079); and

(viii) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(I) a wide range of State legislative action has occurred in the area of elder rights, including legislative action regarding guardianship reform, insurance regulation, consumer protection, and the development of procedures for surrogate decisionmaking and advanced directives;

(J) the Federal laws described in subparagraph (H) and the State laws resulting from the legislative action described in subparagraph (I) are complex and constitute a difficult challenge for older individuals who wish to take advantage of the benefits the laws provide;

(K) the appropriate utilization of public benefit programs requires consumer knowledge of entitlements and skill in understanding complex Federal, State, and local laws and regulations;

(L) there is growing evidence of the need to provide outreach, counseling, and assistance to older individuals on—

(i) the public benefits to which they are entitled, including benefits under—

(I) the supplemental security income, medicare, and medicaid programs established under the Social Security Act (42 U.S.C. 1381 et seq., 1395 et seq., and 1396 et seq.);

(II) the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); and

(III) the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.); and

(ii) the options available to the persons for public and private insurance, including health, long-term care, and life insurance, and retirement benefits;

(M) it is estimated that only half of older individuals eligible for benefits under the supplemental security income program are currently enrolled;

(N) it is estimated that only half of older individuals eligible for food stamps receive assistance; and

(O) it is estimated that less than half of older individuals eligible for benefits under the medicaid program are currently enrolled.

(b) PURPOSES.—The purposes of this Act are to—

(1) assist States in securing and maintaining for older individuals dignity, security, privacy, the exercise of individual initiative, access to resources and benefits to which the individuals are entitled by law, and protection from abuse, neglect, and exploitation;

(2) require States to undertake a comprehensive approach in developing and maintaining elder rights programs;

(3) authorize States to undertake State level activities in support of programs that—

(A) are administered by State agencies, area agencies on aging, other public agencies, non-profit agencies and organizations, and volunteers; and

(B) focus on securing and protecting the rights and benefits of older individuals;

(4) require States to administer elder rights programs and services authorized by this Act and the amendments made by this Act in a comprehensive and coordinated manner, with particular attention to coordinating, as appropriate, the programs and services with activities and services funded under title III of the Older Americans Act of 1965 through area agencies on aging;

(5) require States to give priority to protecting the rights of, and securing and maintaining benefits and services for, older individuals with the greatest economic or social need;

(6) require States, in making grants and entering into contracts to carry out programs to protect elder rights, to give preference as appropriate to area agencies and other entities with a proven track record in performing elder rights activities;

(7) authorize States—

(A) to plan and develop programs and systems of individual representation, investigation, ad-

vocacy, protection, counseling, and assistance, for older individuals; and

(B) to coordinate and administer State and local activities for the protection and representation of older individuals, including—

(i) activities for prevention of, and protection against, abuse, neglect, and exploitation;

(ii) legal assistance;

(iii) long-term care ombudsman services;

(iv) benefits counseling and assistance; and

(v) other such outreach activities;

(8) require the State agency to submit annually to the Commissioner on Aging and to other appropriate State agencies a report of elder rights activities and issues, including an analysis of data regarding elder rights based on—

(A) reports of abuse, neglect, or exploitation;

(B) complaints regarding long-term care or from residents of long-term care facilities;

(C) reports of consumer fraud and abuse;

(D) reports of requests for and the provision of emergency protective services;

(E) reports of legal assistance and advocacy required to provide protection; and

(F) reports regarding the failure of older individuals to secure benefits for which the persons are eligible; and

(9) require the State agency to provide public information, education and training, and technical assistance to older individuals, family members of older individuals, area agencies on aging, and service providers, regarding—

(A) the rights of older individuals;

(B) the means available to secure and protect the rights; and

(C) ways of assisting older individuals in making informed choices.

SEC. 3. REFERENCES.

Except as otherwise specifically provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

TITLE I—OBJECTIVES AND DEFINITIONS

SEC. 101. OBJECTIVES.

Section 101(4) (42 U.S.C. 3001(4)) is amended by inserting “, including support to family members and other persons providing voluntary care to older individuals needing long-term care services” after “homes”.

SEC. 102. DEFINITIONS.

(a) DEFINITIONS.—Section 102 (42 U.S.C. 3002) is amended by adding at the end the following new paragraphs:

“(13) The term ‘abuse’ means the willful—

“(A) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm or pain or mental anguish; or

“(B) deprivation by an individual, including a caretaker, of goods or services that are necessary to avoid physical harm, mental anguish, or mental illness.

“(14) The term ‘Administration’ means the Administration on Aging.

“(15) The term ‘aging network’ means—

“(A) the network of agencies established in section 305, including the Administration, State agencies, and area agencies on aging; and

“(B) organizations that—

“(i) are providers of direct services to older individuals;

“(ii) are institutions of higher education; and

“(iii) receive funding under this Act.

“(16) The term ‘area agency on aging’ means an agency designated under section 305(a)(2)(A) by a State agency.

“(17) The term ‘art therapy’ means the use of art and artistic processes specifically selected and administered by an art therapist, to accomplish the restoration, maintenance, or improve-

ment of the mental, emotional, or social functioning of an older individual.

“(18) The term ‘caretaker’ means an individual who has the responsibility for the care of an older individual, either voluntarily, by contract, by receipt of payment for care, as a result of family relationship, or by order of a court of competent jurisdiction.

“(19) The term ‘case management service’—

“(A) means a service provided to an older individual, at the direction and with the concurrence of the older individual, or of the older individual and the family of the individual—

“(i) by a human service professional who is trained or experienced in the case management skills that are required to deliver the services and coordination described in subparagraph (B); and

“(ii) to assess the needs, and arrange, coordinate, and monitor an optimum package of services to meet the needs, of the older individual; and

“(B) includes services and coordination such as—

“(i) comprehensive assessment of the older individual (including the physical, psychological, and social needs of the individual);

“(ii) development and implementation of a service plan with the older individual to mobilize the formal and informal resources and services identified in the assessment to meet the needs of the older individual, including coordination of the resources and services—

“(I) with any other plans that may already exist for various formal services, such as hospital discharge plans; and

“(II) with the information and assistance services established under this Act;

“(iii) coordination and monitoring of formal and informal service delivery, including coordination and monitoring to ensure that services specified in the plan are being provided;

“(iv) periodic reassessment and revision of the status of the older individual with—

“(I) the older individual; or

“(II) if necessary, with a primary caregiver or family member of the older individual; and

“(v) in accordance with the wishes of the older individual, advocacy on behalf of the older individual for needed services or resources.

“(20) The term ‘conflict of interest’ means—

“(A) a direct involvement in the licensing or certification of a long-term care facility or of a provider of a long-term care service;

“(B) an ownership or investment interest (represented by equity, debt, or other financial relationship) in a long-term care facility or a long-term care service;

“(C) employment by, or participation in the management of, a long-term care facility; or

“(D) the receipt, or right to receive, directly or indirectly, remuneration (in cash or in kind) under a compensation arrangement with an owner or operator of a long-term care facility.

“(21) The term ‘dance/movement therapy’ means the use of psychotherapeutic movement as a process facilitated by a dance/movement therapist, to further the emotional, cognitive, or physical health of an older individual.

“(22) The term ‘elder abuse’ means abuse of an older individual.

“(23) The term ‘exploitation’ means the illegal or improper act or process of an individual, including a caretaker, using the resources of an older individual for monetary or personal benefit, profit, or gain.

“(24) The term ‘focal point’ means a facility established to encourage the maximum collocation and coordination of services for older individuals.

“(25) The term ‘frail’ means having a physical or mental disability, including having Alzheimer’s disease or a related disorder with neurological or organic brain dysfunction, that re-

stricts the ability of an individual to perform normal daily tasks or that threatens the capacity of an individual to live independently.

“(26) The term ‘greatest economic need’ means the need resulting from an income level at or below the poverty line.

“(27) The term ‘greatest social need’ means the need caused by noneconomic factors, which include—

“(A) physical and mental disabilities;

“(B) language barriers; and

“(C) cultural, social, or geographical isolation, including isolation caused by racial or ethnic status, that—

“(i) restricts the ability of an individual to perform normal daily tasks; or

“(ii) threatens the capacity of the individual to live independently.

“(28) The term ‘information and assistance service’ means a service for older individuals that—

“(A) provides the individuals with current information on all opportunities and services available to the individuals within their communities, including information relating to assistive technology;

“(B) assesses the problems and capacities of the individuals;

“(C) links the individuals to the opportunities and services that are available;

“(D) ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate followup procedures; and

“(E) serves the entire community of older individuals, particularly individuals with the greatest social and economic need.

“(29) The term ‘legal assistance’—

“(A) means legal advice and representation by an attorney to older individuals with economic or social needs; and

“(B) includes—

“(i) to the extent feasible, counseling or other appropriate assistance by a paralegal or law student under the supervision of an attorney; and

“(ii) counseling or representation by a nonlawyer where permitted by law.

“(30) The term ‘long-term care facility’ means—

“(A) any skilled nursing facility, as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a));

“(B) any nursing facility, as defined in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a));

“(C) any institution regulated by a State in accordance with section 1616(e) of the Social Security Act (42 U.S.C. 1382e(e)) for purposes of sections 307(a)(12) and 712; and

“(D) any other adult care home similar to a facility or institution described in subparagraphs (A) through (C).

“(31) The term ‘music therapy’ means the use of musical or rhythmic interventions specifically selected by a music therapist to accomplish the restoration, maintenance, or improvement of social or emotional functioning, mental processing, or physical health of an older individual.

“(32) The term ‘neglect’ means—

“(A) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or

“(B) the failure of a caretaker to provide the goods or services.

“(33) The term ‘older individual’ means any individual who is 60 years of age or older.

“(34) The term ‘physical harm’ means bodily pain, injury, impairment, or disease.

“(35) The term ‘planning and service area’ means an area specified by a State agency under section 305(a)(1)(E).

"(36) The term 'poverty line' means the official poverty line (as defined by the Office of Management and Budget, and revised annually by the Secretary in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902(2)).

"(37) The term 'representative payee' means a person who is appointed by a governmental entity to receive, on behalf of an older individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.

"(38) The term 'State agency' means the State agency designated by a State under section 305(a)(1).

"(39) The term 'supportive service' means a service described in section 321(a).

"(40) The term 'unit of general purpose local government' means—

"(A) a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions; or

"(B) an Indian tribal organization."

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Sections 102(2), 201(c)(1), 211, 301(b)(1), 402(a), 411(b), 503(a), and 505(a) (42 U.S.C. 3002(2), 3011(c)(1), 3020b, 3021(b)(1), 3030bb(a), 3031(b), 3056a(a), and 3056c(a)) are amended by striking "Administration on Aging" and inserting "Administration".

(2) Section 201(a) (42 U.S.C. 3011(a)) is amended in the first sentence by striking—

(A) "(hereinafter in this Act referred to as the 'Administration')"; and

(B) "(hereinafter in this Act referred to as the 'Commissioner')".

(3) Section 302 (42 U.S.C. 3022) is amended—

(A) by striking paragraphs (2) through (7), (9), (11), and (14) through (21);

(B) by redesignating paragraph (8) as paragraph (2); and

(C) by redesignating paragraph (10) as paragraph (3).

TITLE II—ADMINISTRATION

SEC. 201. ADMINISTRATION ON AGING.

(a) COORDINATION.—Section 201(c)(3) (42 U.S.C. 3011(c)(3)) is amended—

(1) in subparagraph (B), by inserting ", with particular attention to services provided to Native Americans by the Indian Health Service" after "affecting older Native Americans";

(2) in subparagraph (F), by inserting ", including information on Native American elder abuse, in-home care, health problems, and other problems unique to Native Americans, which information is compiled with assistance from public or nonprofit entities, including institutions of higher education, with experience in assessing the characteristics and health states of older Native Americans" after "Native Americans";

(3) by striking "and" at the end of subparagraph (G);

(4) by striking the period at the end of subparagraph (H) and inserting "; and"; and

(5) by adding at the end the following new subparagraph:

"(I) promote coordination between programs established under titles III and VI, including the sharing of information among grantees of the programs such as information involving the purposes and implementation of any training or technical assistance grants or contracts involved in the programs."

(b) OFFICE OF LONG-TERM CARE OMBUDSMAN PROGRAMS.—Section 201 is amended by adding at the end the following new subsection:

"(d)(1) As used in this subsection:

"(A) The term 'Associate Commissioner' means the Associate Commissioner for Ombudsman Services.

"(B) The term 'eligible individual' means an individual, if—

"(i) the individual does not have, and in the preceding 2-year period did not have, a conflict of interest; and

"(ii) no member of the immediate family of the individual has, or in the preceding 2-year period had, a conflict of interest.

"(C) The term 'Office' means the Office of Long-Term Care Ombudsman Programs.

"(2) There is established in the Administration an Office of Long-Term Care Ombudsman Programs.

"(3)(A) The Office shall be headed by an Associate Commissioner for Ombudsman Services appointed by the Commissioner from among eligible individuals who have—

"(i) training in, or knowledge regarding—

"(I) gerontology, long-term care, health care, or social service programs that are relevant to meeting the needs of residents of long-term care facilities;

"(II) legal systems, the delivery of legal assistance, community services, and organizations that are involved in activities relating to long-term care;

"(III) program management skills and complaint and dispute resolution techniques, including skills and techniques relating to investigation, negotiation, and mediation; and

"(IV) long-term care advocacy; and

"(ii) technical or professional level experience with residents of long-term care facilities.

"(B) No person shall be appointed Associate Commissioner if—

"(i) the person has been employed within the previous 2 years by—

"(I) a long-term care facility;

"(II) a corporation that owned or operated a long-term care facility; or

"(III) an association of long-term care facilities; or

"(ii) the person or any member of the immediate family of the person has a conflict of interest.

"(4) The Associate Commissioner shall—

"(A) serve as an effective and visible advocate on behalf of older individuals who reside in long-term care facilities, within the Department of Health and Human Services and with other departments and agencies of the Federal Government, regarding all Federal policies affecting the individuals;

"(B) review and make recommendations to the Commissioner regarding—

"(i) the approval of the provisions in State plans submitted under section 307(a) or section 705 that relate to State Long-Term Care Ombudsman programs; and

"(ii) the adequacy of State budgets and policies relating to the programs;

"(C) after consultation with State Long-Term Care Ombudsmen and the State agencies, make recommendations to the Commissioner regarding—

"(i) policies designed to assist State Long-Term Care Ombudsmen; and

"(ii) methods to periodically monitor and evaluate the operation of State Long-Term Care Ombudsman programs, to ensure that the programs satisfy the requirements of section 307(a)(12) and section 712, including provision of service to residents of board and care facilities, and of other similar adult care homes;

"(D) keep the Commissioner and the Secretary fully and currently informed about—

"(i) problems relating to State Long-Term Care Ombudsman programs; and

"(ii) the necessity for, and the progress toward, solving the problems;

"(E) review, and make recommendations to the Secretary and the Commissioner regarding, existing and proposed Federal legislation, administrative regulations, and other policies, regarding the operation of State Long-Term Care Ombudsman programs;

"(F) make recommendations to the Commissioner and the Secretary regarding the policies of the Administration, and coordinate the ac-

tivities of the Administration with the activities of other Federal entities, State and local entities, and nongovernmental entities, relating to State Long-Term Care Ombudsman programs;

"(G) supervise the activities carried out under the authority of the Administration that relate to State Long-Term Care Ombudsman programs; and

"(H) make recommendations to the Commissioner regarding the operation of the National Ombudsman Resource Center established under section 202(a)(21)."

SEC. 202. FUNCTIONS OF COMMISSIONER.

(a) CENTERS; AGING NETWORK; INFORMATION AND ASSISTANCE; LEGAL ASSISTANCE.—Section 202(a) (42 U.S.C. 3012(a)) is amended—

(1) in paragraph (19) by striking "and" at the end;

(2) in paragraph (20) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(21)(A) establish a National Ombudsman Resource Center and, by grant or contract, operate such center to assist State Long-Term Care Ombudsmen and the representatives of the Ombudsmen in carrying out State Long-Term Care Ombudsman programs effectively under section 307(a)(12) and section 712 by—

"(i) providing technical assistance, training, and other means of assistance;

"(ii) analyzing laws, regulations, policies, and actions with respect to which comments made under section 712(a)(3)(G)(i) are submitted to the center; and

"(iii) providing assistance in recruiting and retaining volunteers for State Long-Term Care Ombudsman programs by establishing a national program for recruitment efforts that utilizes the organizations that have established a successful record in recruiting and retaining volunteers for ombudsman or other programs; and

"(B) make available to the Center not less than the amount of resources made available to the Center for fiscal year 1990;

"(22) establish a National Aging Data Center and, directly or by grant or contract, operate the Center to—

"(A) annually compile, analyze, publish, and disseminate—

"(i) statistical data collected under paragraph (19);

"(ii) census data on aging demographics; and

"(iii) data from other Federal agencies on—

"(I) the health, social, and economic status of older individuals; and

"(II) the services provided to older individuals;

"(B) biannually compile, analyze, publish, and disseminate statistical data collected on the functions, staffing patterns, and funding sources of State agencies and area agencies on aging;

"(C) analyze the data collected under section 201(c)(3)(F) by the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, and the information provided by the Resource Centers on Native American Elders under section 426E;

"(D) provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers, regarding State and local data collection and analysis; and

"(E) be a national resource on statistical data regarding aging;

"(23) serve, with State agencies and area agencies on aging, as the focal point for developing and maintaining a national aging network that ensures a responsive community-based services system to assist older individuals throughout the United States;

"(24) establish information and assistance services as priority services for the aged and aging;

"(25) develop guidelines for area agencies on aging to follow in choosing and evaluating providers of legal assistance;

"(26) develop guidelines and a model job description for choosing and evaluating legal assistance developers; and

"(27)(A) conduct a study to determine ways in which Federal funds might be more effectively targeted to low-income, minority, and rural older individuals to better meet the needs of States with a disproportionate number of older individuals with the greatest social and economic need;

"(B) conduct a study to determine ways in which Federal funds might be more effectively targeted to better meet the needs of States with disproportionate numbers of older individuals; and

"(C) not later than January 1, 1993, submit a report containing the findings resulting from the studies described in subparagraphs (A) and (B) to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate."

(b) **COMMUNITY-BASED LONG-TERM CARE PROGRAM.**—Section 202(b) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(4) participate in all departmental and interdepartmental activities to provide a leadership role for the Administration, State agencies, and area agencies on aging in the development and implementation of a national community-based long-term care program for older individuals."

(c) **VOLUNTEER SERVICE COORDINATORS.**—Section 202(c) is amended—

(1) by inserting "(1)" after the subsection designation; and

(2) by adding at the end the following new paragraph:

"(2)(A) In executing the duties and functions of the Administration under this Act and carrying out the programs and activities provided for by this Act, the Commissioner shall act to encourage and assist the establishment and use of—

"(i) area volunteer service coordinators, as described in section 306(a)(11), by area agencies on aging designated under section 305(a)(2)(A); and

"(ii) State volunteer service coordinators, as described in section 307(a)(32), by State agencies designated under section 305(a)(1).

"(B) The Commissioner shall provide technical assistance to the State and area volunteer services coordinators."

(d) **NATIONAL CENTER ON ELDER ABUSE.**—Section 202 is amended by adding at the end the following new subsection:

"(d)(1) The Commissioner shall establish and operate a National Center on Elder Abuse.

"(2) In operating the Center, the Commissioner shall—

"(A) annually compile, publish, and disseminate a summary of recently conducted research on elder abuse, neglect, and exploitation;

"(B) develop and maintain an information clearinghouse on all programs, including private programs, showing promise of success, for the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

"(C) compile, publish, and disseminate training materials for personnel who are engaged or intend to engage in the prevention, identification, and treatment of elder abuse, neglect, and exploitation;

"(D) provide technical assistance to State agencies and to other public and nonprofit private agencies and organizations to assist the agencies and organizations in planning, improving, developing, and carrying out programs and

activities relating to the special problems of elder abuse, neglect, and exploitation; and

"(E) conduct research and demonstration projects regarding the causes, prevention, identification, and treatment of elder abuse, neglect, and exploitation.

"(3)(A) The Commissioner shall carry out paragraph (2) through a grant or contract.

"(B) The Commissioner shall issue criteria for programs receiving funding through a grant or contract under this subsection.

"(C) The Commissioner shall establish research priorities for making grants or contracts to carry out paragraph (2)(E) and, not later than 60 days before the date on which the Commissioner establishes such priorities, publish in the Federal Register for public comment a statement of such proposed priorities.

"(4) The Commissioner shall make available to the Center such resources as are necessary for the Center to carry out effectively the functions of the Center under this Act and not less than the amount of resources made available to the Center for fiscal year 1990."

(e) **OBLIGATION.**—Not later than January 1, 1992, the Commissioner shall obligate, from the funds appropriated under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) for fiscal year 1992—

(1) to carry out section 202(a)(21) of such Act (as added by subsection (a)(3) of this section), not less than the amount made available in fiscal year 1991 under such Act for making grants and entering into contracts to establish and operate National Ombudsman Resource Centers; and

(2) to carry out section 202(d) of such Act (as added by subsection (d) of this section), not less than the amount made available in fiscal year 1991 under such Act for making grants and entering into contracts to establish and operate National Centers on Elder Abuse.

(f) **TECHNICAL AND CONFORMING AMENDMENTS.**—Paragraphs (2)(A) and (4) of section 306(a) and sections 307(a)(9), 422(c)(3), 614(a)(6), and 624(a)(7) (42 U.S.C. 3026(a)(2)(A) and (4), 3027(a)(9), 3035a(c)(3), 3057e(a)(6), and 3057j(a)(7)) are amended by striking "information and referral" each place the term appears and inserting "information and assistance".

SEC. 203. FEDERAL AGENCY CONSULTATION.

(a) **IN GENERAL.**—Section 203(a) (42 U.S.C. 3013(a)) is amended to read as follows:

"(a)(1) The Commissioner, in carrying out the purposes and provisions of this Act, shall advise, consult with, and cooperate with, the head of each Federal agency or department proposing or administering programs or services substantially related to the purposes of this Act, with respect to such programs or services. In particular, the Commissioner shall advise, consult, and cooperate with the Department of Labor in carrying out title V, and with ACTION in carrying out the Act.

"(2) The head of each Federal agency or department proposing to establish programs and services substantially related to the purposes of this Act shall consult with the Commissioner prior to the establishment of such programs and services. The head of each Federal agency administering any program substantially related to the purposes of this Act, particularly administering any program set forth in subsection (b), shall, to achieve appropriate coordination, consult and cooperate with the Commissioner in carrying out such program. In particular, the Department of Labor shall consult and cooperate with the Commissioner in carrying out the Job Training Partnership Act (29 U.S.C. 1501 et seq.).

"(3) The head of each Federal agency administering programs and services substantially related to the purposes of this Act shall collaborate with the Commissioner in carrying out this

Act, and shall develop a written analysis, for review and comment by the Commissioner, of the impact of such programs and services on—

"(A) the elderly, with particular attention to low-income minority older individuals; and

"(B) the functions and responsibilities of State agencies and area agencies on aging."

(b) **RELATED PROGRAMS.**—Section 203(b) is amended—

(1) by striking "and" at the end of paragraph (16);

(2) by striking the period at the end of paragraph (17) and inserting ", and"; and

(3) by adding at the end the following new paragraph:

"(18) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, under part E of title 1 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.)."

SEC. 204. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

Title II is amended by inserting after section 203 (42 U.S.C. 3013) the following new section:

"SEC. 203A. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS.

"The Commissioner shall consult and coordinate with State agencies, area agencies on aging, and recipients of grants under title VI in the development of Federal goals, regulations, program instructions, policies, and procedures under this Act."

SEC. 205. FEDERAL COUNCIL ON THE AGING.

(a) **ESTABLISHMENT.**—Section 204(a) (42 U.S.C. 3015(a)) is amended—

(1) in paragraph (1), by striking the second sentence; and

(2) in paragraph (2), by striking "1984" and inserting "1991".

(b) **CLASSES.**—Section 204(b) is amended—

(1) in paragraph (1), by striking subparagraph (A) and inserting the following new subparagraph:

"(A)(i) 15 members shall be appointed to the Federal Council on the Aging for terms commencing January 1, 1992, of which—

"(I) 5 members, who shall be referred to as class 1 members, shall serve for terms of 1 year, ending on December 31, 1992;

"(II) 5 members, who shall be referred to as class 2 members, shall serve for terms of 2 years, ending on December 31, 1993; and

"(III) 5 members, who shall be referred to as class 3 members, shall serve for terms of 3 years, ending on December 31, 1994.

"(ii) 5 members shall be appointed to the Federal Council on the Aging in 1993 and each subsequent year, for terms commencing on January 1 of the year in which the members are required to be appointed and ending on December 31 of the second year beginning after the year in which the members are required to be appointed.

"(iii) Members appointed in 1993 and each third year thereafter shall be referred to as class 1 members. Members appointed in 1994 and each third year thereafter shall be referred to as class 2 members. Members appointed in 1995 and each third year thereafter shall be referred to as class 3 members.

"(iv) Members shall serve without regard to the provisions of title 5, United States Code"; and

(2) in paragraph (2), by adding at the end the following new sentence: "The term of such a successor shall expire on the date that the term of other members of the class of the successor expires."

(c) **REPORTS.**—Section 204(f) is amended by striking "such interim reports as it deems advisable" and inserting "interim reports".

(d) **AUTHORIZATION OF APPROPRIATIONS.**—Section 204(g) (42 U.S.C. 3015(g)) is amended by

striking "\$210,000" and all that follows and inserting "\$255,000 for fiscal year 1992, \$268,000 for fiscal year 1993, \$281,000 for fiscal year 1994, and \$295,000 for fiscal year 1995."

SEC. 206. INTERAGENCY TASK FORCE ON AGING.

Title II is amended by inserting after section 204 (42 U.S.C. 3015) the following new section:

"SEC. 204A. INTERAGENCY TASK FORCE ON AGING.

"(a) IN GENERAL.—There is established an Interagency Task Force on Aging (referred to in this section as the "Task Force").

"(b) DUTIES.—The Task Force shall coordinate aging policies and programs among the agencies represented on the Task Force.

"(c) MEMBERSHIP.—

"(1) COMPOSITION.—The Task Force shall be composed of the Commissioner and one member from each Federal agency that administers programs specified in section 203(b), appointed by the head of the agency.

"(2) QUALIFICATIONS.—Each member of the Task Force shall hold a position within the agency from which the member is appointed and report directly to the head of the agency.

"(d) CHAIRPERSON.—The Commissioner shall serve as the Chairperson of the Task Force.

"(e) GENERAL POWERS.—The Task Force is authorized to enter into such contracts and other arrangements, make such expenditures, and take such other actions, as the Task Force may determine to be necessary to carry out the duties of the Task Force.

"(f) OBTAINING INFORMATION FROM FEDERAL AGENCIES.—The Commissioner may secure directly from any Federal agency such information as the Task Force may require to carry out its duties.

"(g) USE OF MAIL.—The Task Force may use the United States mails in the same manner and under the same conditions as Federal agencies.

"(h) EXPERTS AND CONSULTANTS.—The Commissioner may obtain such temporary and intermittent services of experts and consultants and compensate the experts and consultants in accordance with section 3109(b) of title 5, United States Code, as the Task Force determines to be necessary to carry out the duties of the Task Force.

"(i) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Commissioner, the head of any Federal agency shall detail, without reimbursement, any of the personnel of the agency to the Administration to assist the Task Force in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"(j) TECHNICAL ASSISTANCE.—On the request of the Commissioner, the head of a Federal agency shall provide such technical assistance to the Task Force as the Task Force determines to be necessary to carry out its duties."

SEC. 207. ADMINISTRATION.

Section 205(e) (42 U.S.C. 3016(e)) is amended by inserting before the period at the end the following: "for each of the fiscal years 1992 through 1995".

SEC. 208. EVALUATION.

Section 206(a) (42 U.S.C. 3017(a)) is amended by inserting "including the Federal Council on the Aging," after "by this Act,".

SEC. 209. REPORTS BY COMMISSIONER.

(a) DEADLINE.—Section 207 (42 U.S.C. 3018) is amended—

(1) in subsection (b)(1), by striking "January 15" and inserting "March 1"; and

(2) by adding at the end the following new subsection:

"(d)(1)(A) The Commissioner shall establish a task force to develop recommendations identifying—

"(i) a core data set to be collected by the Administration to comply with section 202(a)(19);

"(ii) data to be collected by the Administration to comply with section 202(a)(22)(B);

"(iii) supplementary data to be collected by the Administration on a sample basis; and

"(iv) a methodology for collecting information on gaps in services needed by older individuals, as identified by service providers in assisting clients through the provision of the supportive services.

"(B) The task force shall be composed of members appointed by the Commissioner from among individuals who are—

"(i) representatives of State agencies, area agencies on aging, and recipients of grants under title VI;

"(ii) service providers; and

"(iii) persons with expertise in data collection procedures.

"(C) The task force shall submit a report to the Commissioner containing the recommendations described in subparagraph (A).

"(2)(A) The Commissioner shall develop a proposal for a revised system to collect the data described in clauses (i) through (iii) of paragraph (1)(A), based on the recommendations described in paragraph (1)(A). The proposal shall specify a standardized nomenclature, definitions, and methodology for the system, to ensure uniform national data reporting, and a reasonable implementation period for the system.

"(B) Not later than September 30, 1992, the Commissioner shall submit a report to the appropriate committees of Congress containing the proposal described in subparagraph (A).

"(C) After soliciting and considering public comment on the revised system described in subparagraph (A), the Commissioner shall implement the system.

"(3) The Commissioner shall provide technical assistance, training, and other means of assistance to State agencies, area agencies on aging, and service providers regarding State and local data collection and analysis."

SEC. 210. STUDY OF EFFECTIVENESS OF STATE LONG-TERM CARE OMBUDSMAN PROGRAMS.

Not later than July 1, 1993, the Commissioner on Aging shall, in consultation with State agencies, State Long-Term Care Ombudsmen, the National Ombudsman Resource Center established under section 202(a)(21) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(21)), and professional ombudsmen associations, directly, or by grant or contract, conduct a study, and submit a report to the committees specified in section 207(b)(2) of the Older Americans Act of 1965 (42 U.S.C. 3018(b)(2)), analyzing separately with respect to each State—

(1) the availability of services, and the unmet need for services, under the State Long-Term Care Ombudsman programs in effect under section 307(a)(12) (42 U.S.C. 3028(a)(12)) and section 712 of such Act (as added by section 602 of this Act), to residents of long-term care facilities;

(2) the effectiveness of the program in providing the services to the residents, including residents of board and care facilities, and of other similar adult care homes;

(3) the adequacy of Federal and other resources available to carry out the program on a statewide basis in each State;

(4) compliance and barriers to such compliance of the States in carrying out the programs;

(5) any actual and potential conflicts of interest in the administration and operation of the programs; and

(6) the need for and feasibility of providing ombudsman services to older individuals utilizing noninstitutional long-term care and other health care services, by analyzing and assessing current State agency practices in programs in which the State Long-Term Care Ombudsmen provide services to individuals in settings in ad-

dition to long-term care facilities, taking into account variations in—

(A) settings where services are provided;

(B) the types of clients served;

(C) the types of complaints and problems handled;

(D) State regulations of noninstitutional long-term care; and

(E) possible conflicts of interest between ombudsman programs and area agencies on aging who provide noninstitutional long-term care to older individuals.

SEC. 211. COMMISSIONER.

Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Commissioner on Aging, Department of Health and Human Services."

TITLE III—STATE AND COMMUNITY PROGRAMS ON AGING

Subtitle A—General Provisions

SEC. 301. PURPOSE OF GRANTS FOR STATE AND COMMUNITY PROGRAMS ON AGING.

Section 301(a) (42 U.S.C. 3021(a)) is amended to read as follows:

"(a)(1) It is the purpose of this title to encourage and assist State agencies and area agencies on aging to concentrate resources in order to develop greater capacity and foster the development and implementation of comprehensive and coordinated service systems to serve older individuals by entering into new cooperative arrangements in each State with the persons described in paragraph (2), for the planning, and for the provision of, supportive services, and multipurpose senior centers, in order to—

"(A) secure and maintain maximum independence and dignity in a home environment for older individuals capable of self care with appropriate supportive services;

"(B) remove individual and social barriers to economic and personal independence for older individuals;

"(C) provide a continuum of care for the vulnerable elderly; and

"(D) secure the opportunity for older individuals to receive managed in-home and community-based long-term care services.

"(2) The persons referred to in paragraph (1) include—

"(A) State agencies and area agencies on aging;

"(B) other State agencies, including agencies that administer home and community care programs;

"(C) Indian tribes, tribal organizations, and Native Hawaiian organizations;

"(D) the providers, including voluntary organizations, or other private sector organizations, of supportive services, including nutrition services and multipurpose senior centers; and

"(E) organizations representing or employing older individuals or their families."

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 303 of the Act (42 U.S.C. 3023) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "(1)"; and

(ii) by striking "\$379,575,000" and all that follows through "fiscal year 1991," and inserting "\$461,376,000 fiscal year 1992, \$484,455,000 for fiscal year 1993, \$508,667,000 for fiscal year 1994, and \$534,100,000 for fiscal year 1995"; and

(B) by striking paragraphs (2) and (3);

(2) in subsection (b)—

(A) in paragraph (1), by striking "\$414,750,000" and all that follows through "fiscal year 1991" and inserting "\$504,131,000 for fiscal year 1992, \$529,338,000 for fiscal year 1993, \$555,805,000 for fiscal year 1994, and \$583,595,000 for fiscal year 1995";

(B) in paragraph (2), by striking "\$79,380,000" and all that follows through "fiscal year 1991"

and inserting "\$96,487,000 for fiscal year 1992, \$101,311,000 for fiscal year 1993, \$106,376,000 for fiscal year 1994, and \$111,695,000 for fiscal year 1995"; and

(C) by adding at the end the following new paragraph:

"(3) There are authorized to be appropriated \$20,000,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995 to carry out subpart 3 of part C of this title (relating to congregate nutrition services and intergenerational activities of schools).";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "parts B and C" and inserting "part B, and subparts 1 and 2 of part C."; and

(B) in paragraph (2), by inserting "under subparts 1 and 2 of part C" after "nutrition services";

(4) in subsection (d)—

(A) by inserting "(1)" after the subsection designation;

(B) in paragraph (1) (as designated by subparagraph (A) of this paragraph)—

(i) by inserting "subpart 1 of" after "grants under"; and

(ii) by striking "\$25,000,000" and all that follows through "fiscal year 1991" and inserting "\$45,388,000 for fiscal year 1992, \$46,907,000 for fiscal year 1993, \$48,503,000 for fiscal year 1994, and \$50,178,000 for fiscal year 1995"; and

(C) by adding at the end the following new paragraph:

"(2) There are authorized to be appropriated \$15,000,000 for fiscal year 1992, \$16,000,000 for fiscal year 1993, \$17,000,000 for fiscal year 1994, and \$18,000,000 for fiscal year 1995 to carry out subpart 2 of part D (relating to supportive activities for individuals who provide in-home services).";

(5) in subsection (e), by striking "Subject to subsection (h)," and all that follows through "1990 and 1991" and inserting "There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1992 through 1995"; and

(6) by striking subsection (f), and inserting the following new subsection:

"(f) There are authorized to be appropriated \$25,000,000 for fiscal year 1992 and such sums as may be necessary for each of the fiscal years 1993 through 1995 to carry out part F (relating to disease prevention and health promotion services).";

(b) **CONDITIONAL APPROPRIATIONS; VOLUNTEER SERVICE COORDINATORS.**—Section 303 (42 U.S.C. 3023) is amended—

(1) by striking subsections (g) and (h); and

(2) by adding at the end the following new subsections:

"(g) Grants made under any authority of this title may be used for paying for the costs of providing for an area volunteer services coordinator, as described in section 306(a)(11), or a State volunteer services coordinator, as described in section 307(a)(32).

"(h) No funds may be appropriated under subsection (b)(3) for a fiscal year unless the amounts appropriated for subparts 1 and 2 of part C, respectively, exceed 100 percent of the amounts appropriated for fiscal year 1990 for subparts 1 and 2 of part C.".

SEC. 303. ALLOTMENT.

(a) **MINIMUM ALLOTMENT.**—Section 304(a)(3) (42 U.S.C. 3024(a)(3)) is amended to read as follows:

"(3) No State shall be allotted, from the amount appropriated pursuant to section 303(d)(2), less than \$50,000 for any fiscal year.".

(b) **WITHHOLDING OF ALLOTMENTS.**—Section 304(c) is amended by inserting "or the Commissioner does not approve the funding formula required under section 305(a)(2)(C)" after "requirements of section 307".

(c) **LONG-TERM CARE OMBUDSMAN PROGRAM.**—Section 304(d)(1)(B) is amended to read as follows:

"(B) such amount as the State agency determines to be adequate for conducting an effective State Long-Term Care Ombudsman program under section 307(a)(12) shall be available for paying up to 85 percent of the cost of conducting the program under this title.".

SEC. 304. ORGANIZATION.

(a) **PLANNING; CONSULTATION; LOW-INCOME MINORITY GOALS AND FOCUS.**—Section 305(a) (42 U.S.C. 3025(a)) is amended—

(1) in paragraph (1), by striking subparagraph (C) and inserting the following new subparagraph:

"(C) be primarily responsible for the planning, policy development, administration, coordination, priority setting, and evaluation of all State activities related to the purposes of this Act."; and

(2) in paragraph (2)—

(A) by striking subparagraph (C) and inserting the following new subparagraph:

"(C) in consultation with area agencies, in accordance with guidelines issued by the Commissioner, and using the best available data, develop and publish for review and comment a formula for distribution within the State of funds received under this title that takes into account—

"(i) the geographical distribution of older individuals in the State; and

"(ii) the distribution among planning and service areas of older individuals with greatest economic need and older individuals with greatest social need, with particular attention to low-income minority older individuals."; and

(B) in subparagraph (D), by striking "for review and comment" and inserting "for approval";

(C) by striking "and" at the end of subparagraph (D);

(D) by striking subparagraph (F) and inserting the following new subparagraph:

"(F) provide assurances that the State agency will require use of outreach efforts described in section 307(a)(24)(A); and"; and

(E) by adding at the end the following new subparagraph:

"(G)(i) set specific goals, in consultation with area agencies on aging, for each planning and service area for providing services funded under this title to low-income minority older individuals;

"(ii) provide an assurance that the State agency will undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals; and

"(iii) provide a description of the efforts described in clause (ii) that will be undertaken by the State agency.".

(b) **PROCEDURES; REVIEW OF BOUNDARIES.**—Section 305(b) is amended—

(1) in paragraph (5), by adding at the end the following new subparagraph:

"(C)(i) A State agency shall establish and follow appropriate procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to—

"(I) revoke the designation of the area agency on aging under subsection (a);

"(II) designate an additional planning and service area in a State;

"(III) divide the State into different planning and services areas; or

"(IV) to otherwise affect the boundaries of the planning and service areas in the State.

"(ii) The procedures described in clause (i) shall include procedures for—

"(I) providing notice of an action or proceeding described in clause (i);

"(II) documenting the need for the action or proceeding;

"(III) conducting a public hearing for the action or proceeding;

"(IV) involving area agencies on aging, service providers, and older individuals in the action or proceeding; and

"(V) allowing an appeal of the decision of the State agency in the action or proceeding to the Commissioner.

"(iii) An adversely affected party involved in an action or proceeding described in clause (i) may bring an appeal described in clause (ii)(V) on the basis of—

"(I) the facts and merits of the matter that is the subject of the action or proceeding; or

"(II) procedural grounds.

"(iv) In deciding an appeal described in clause (ii)(V), the Commissioner may affirm or set aside the decision of the State agency. If the Commissioner sets aside the decision, and the State agency has taken an action described in subclauses (I) through (III) of subparagraph (C)(i), the State agency shall nullify the action.";

(2) by adding at the end the following new paragraph:

"(6) Each State agency shall periodically review and evaluate the boundaries of planning and service areas within the State, taking into consideration changing demographics and the views of older individuals, service providers and recipients, State and local elected officials, other human services officials, area agencies on aging, and the general public.".

(c) **APPROVAL OF FORMULA.**—Section 305 is amended by adding at the end the following new subsection:

"(e) A State shall not be eligible for grants from the allotment of the State under section 304 until the formula required by subsection (a)(2)(C) is approved by the Commissioner. The Commissioner shall approve any State formula that the Commissioner finds fulfills the requirement of the Act. The Commissioner shall not make a final determination disapproving the formula of any State for distribution of funds received under this title without first affording the State reasonable notice and opportunity for a hearing of the type afforded States under section 307.".

SEC. 306. AREA PLANS.

(a) **CASE MANAGEMENT SERVICES.**—Section 306(a)(2)(A) (42 U.S.C. 3026(a)(2)(A)) (as amended by section 202(f) of this Act) is further amended by striking ", and information and assistance" and inserting ", information and assistance, and case management services".

(b) **IDENTITY OF FOCAL POINT.**—Section 306(a)(3) is amended—

(1) by inserting "(A)" after the paragraph designation;

(2) by adding "and" at the end of subparagraph (A) (as designated by paragraph (1)); and

(3) by adding at the end the following new subparagraph:

"(B) specify, in grants, contracts, and agreements implementing the plan, the identity of each focal point so designated.".

(c) **GOALS FOR LOW-INCOME MINORITY INDIVIDUALS.**—

(1) **INFORMATION AND ASSISTANCE SERVICES.**—Section 306(a)(4) is amended by inserting before the semicolon at the end the following: ", with particular emphasis on linking services available to isolated older individuals and older individuals with Alzheimer's disease or related disorders (and the uncompensated caretakers of individuals with such disease or disorders)".

(2) **OUTREACH AND INFORMATION.**—Section 306(a)(5) is amended—

(A) in subparagraph (A)—

(i) in clause (i)—

(1) by striking "preference will be given to" and inserting "the area agency on aging will set specific goals for"; and

(II) by striking "with particular attention" and inserting "include specific objectives for providing services";

(i) in clause (ii)—

(I) by striking "and" at the end of subclause (I); and

(II) by adding at the end the following new subclause:

"(III) meet specific goals, established by the area agency on aging, for providing services to low-income minority individuals within the planning and service area; and"; and

(iii) in clause (iii)—

(I) by striking "and" at the end of subclause (I); and

(II) by adding at the end the following new subclause:

"(III) provide information on the extent to which the area agency on aging met the goals described in clause (i)";

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) provide assurances that the area agency on aging will use outreach efforts that will—

"(i) identify individuals eligible for assistance under this Act, with special emphasis on—

"(I) rural elderly individuals;

"(II) older individuals with the greatest economic need (with particular attention to low-income minority individuals);

"(III) older individuals with the greatest social need (with particular attention to low-income minority individuals);

"(IV) older individuals with severe disabilities;

"(V) isolated older individuals; and

"(VI) older individuals with Alzheimer's disease or related disorders (and the uncompensated caretakers of individuals with such disease or disorders); and

"(ii) inform the individuals and caretakers described in subclauses (I) through (VI) of clause (i) of the availability of such assistance"; and

(C) by adding at the end the following new subparagraph:

"(C) contain an assurance that the area agency on aging will ensure that each activity undertaken by the agency, including planning, advocacy, and systems development, will include a focus on the needs of low-income minority older individuals";

(d) COORDINATION; HOUSING ARRANGEMENTS; TELEPHONE LISTING.—Section 306(a)(6) is amended—

(1) in subparagraph (B), by inserting "and timely information" after "assistance";

(2) in subparagraph (D), insert "(in cooperation with agencies, organizations, and individuals participating in activities under the plan)" after "community by";

(3) in subparagraph (E)—

(A) by inserting "(i)" after "(E)";

(B) by adding "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(i) where possible regarding the provisions of services under this title, enter into arrangements and coordinate with organizations that—

"(I)(aa) were officially designated as community action agencies or community action programs under section 210 of the Economic Opportunity Act of 1964 (42 U.S.C. 2790) for fiscal year 1981, and have not lost the designation as a result of failure to comply with such Act; or

"(bb) came into existence during fiscal year 1982 as direct successors in interest to such community action agencies or community action programs; and

"(II) meet the requirements under section 675(c)(3) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(3));";

(4) by striking subparagraph (H) and inserting the following new subparagraph:

"(H) establish effective and efficient procedures for coordination of—

"(i) entities conducting programs that receive assistance under this Act within the planning and service area served by the agency; and

"(ii) entities conducting other Federal programs for older individuals at the local level, with particular emphasis on entities conducting programs described in section 203(b), within the area";

(5) in subparagraph (I), by striking "emphasize the development" and all that follows and inserting "include the development of case management services as a component of the long-term care services";

(6) by striking "and" at the end of subparagraph (O);

(7) by striking subparagraph (P); and

(8) by adding at the end the following new subparagraphs:

"(P) establish an informal grievance procedure for older individuals who are dissatisfied with or denied services under this title, with further appeal to the appropriate area agency on aging;

"(Q) in providing legal assistance, give priority to legal problems related to income, health care, long-term care, nutrition, housing and utilities, defense of guardianship, abuse and neglect, and age discrimination;

"(R) where possible, assist organizations that provide housing to older individuals (including public and private housing authorities, and organizations that provide housing in accordance with the program established under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q)), in order to provide leadership in the development and expansion of adequate housing, support services, and living arrangements for older individuals; and

"(S) list the telephone number of the agency in each telephone directory that is published, by the provider of local telephone service, for residents in any geographical area that lies in whole or in part in the service and planning area served by the agency—

"(i) under the name 'Area Agency on Aging';

"(ii) in the unclassified section of the directory; and

"(iii) to the extent possible, in the classified section of the directory, under a subject heading designated by the Commissioner by regulation";

(e) EXPENDITURES UNDER IN-HOME SERVICES PROGRAMS.—Section 306(a)(7) is amended—

(1) by inserting "subpart 1 or 2 of" after "received under"; and

(2) by striking "such part" and inserting "such subpart";

(f) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 306(a) is amended—

(1) by striking "and" at the end of paragraph (9); and

(2) by striking paragraph (10) and inserting the following new paragraph:

"(10) provide assurances that the area agency on aging, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount of funds appropriated under this Act and expended by the agency in fiscal year 1991 in carrying out such a program under this title";

(g) VOLUNTEERS TO ASSIST OLDER INDIVIDUALS; PUBLIC DISCLOSURE; RELATIONSHIP WITH PRIVATE SECTOR; ASSURANCES OF COORDINATION AND ACCESS.—Section 306(a) (as amended by subsection (f) of this section) is further amended by adding at the end the following new paragraphs:

"(11) if appropriate, provide for an area volunteer services coordinator, who shall—

"(A) encourage, and enlist the services of, local volunteer groups to provide assistance and services appropriate to the unique needs of the elderly within the planning and service area;

"(B) encourage, organize, and promote the use of older individuals as volunteers to local communities within the area; and

"(C) promote the recognition of the contribution made by volunteers to programs administered under the area plan;

"(12)(A) describe all activities of the area agency on aging, whether funded by public or private funds; and

"(B) provide an assurance that the activities conform with—

"(i) the responsibilities of the area agency on aging, as set forth in this subsection; and

"(ii) the laws, regulations, and policies of the State served by the area agency on aging;

"(13)(A) provide an assurance that any relationship between the area agency on aging and the private sector shall be related to the purposes of this Act in accordance with State policies; and

"(B) contain a description of all activities involving such a relationship to ensure public accountability;

"(14) provide an assurance that the area agency on aging will coordinate programs under this title and title VI where applicable;

"(15)(A) provide an assurance that the area agency on aging will pursue activities to increase access by older Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, where applicable; and

"(B) specify the ways in which the area agency on aging intends to implement the activities; and

"(16) provide that case management services provided under this title through the area agency on aging—

"(A) will not duplicate case management services provided through other Federal and State programs;

"(B) will be coordinated with services described in clause (i);

"(C) will be provided by—

"(i) a public agency; or

"(ii) a nonpublic agency that—

"(I) does not provide, and does not have a direct or indirect ownership or controlling interest in, or a direct or indirect affiliation or relationship with, an entity that provides, services other than case management services under this title; or

"(II) is a nonprofit agency located in a rural area and obtains a waiver of the requirement described in subclause (I).";

(h) WITHHOLDING OF AREA FUNDS.—Section 306 is amended by adding at the end the following new subsection:

"(e)(1) If the head of a State agency finds that an area agency on aging has failed to comply with Federal or State laws, including the area plan requirements of this section, regulations, or policies, the State may withhold a portion of the funds to the area agency on aging available under this title.

"(2)(A) The head of a State agency shall not make a final determination withholding funds under paragraph (1) without first affording the area agency on aging due process in accordance with procedures established by the State agency.

"(B) At a minimum, such procedures shall include procedures for—

"(i) providing notice of an action to withhold funds;

"(ii) providing documentation of the need for such action; and

"(iii) at the request of the area agency on aging, conducting a public hearing concerning the action.

"(3)(A) If a State agency withholds the funds, the State agency may use the funds withheld to directly administer programs under this title in the planning and service area served by the area agency on aging for a period not to exceed 180 days, except as provided in subparagraph (B).

"(B) If the State agency determines that the area agency on aging has not taken corrective

action, or if the State agency does not approve the corrective action, during the 180-day period described in subparagraph (A), the State agency may extend the period for not more than 90 days."

SEC. 306. STATE PLANS.

(a) CASE MANAGEMENT SERVICES.—Section 307(a)(3)(A) (42 U.S.C. 3027(a)(3)(A)) is amended—

(1) by striking "The plan" and all that follows through "(including legal assistance)" and inserting "The plan shall provide that the State agency will—

"(i) evaluate the need for supportive services";

(2) by striking the period at the end of clause (i) (as designated by paragraph (1) of this subsection) and inserting "; and"; and

(3) by adding at the end the following new clause:

"(ii) by fiscal year 1994, use the methodology developed under section 207(d)(1)(A)(iv) in conducting the evaluation."

(b) PROCEDURES.—Section 307(a)(5) is amended—

(1) by striking "agency will afford" and inserting "agency will—

"(A) afford";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(B) establish and publish procedures for requesting and conducting the hearing."

(c) EVALUATION.—Section 307(a)(8) is amended by adding at the end the following new sentence: "In conducting such evaluations and public hearings, the State agency shall solicit the views and experiences of entities that are knowledgeable about the needs and concerns of low-income minority older individuals."

(d) STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 307(a) is amended by striking paragraph (12) and inserting the following new paragraph:

"(12) The plan shall provide assurances that the State agency will carry out, through the Office of the State Long-Term Care Ombudsman, a State Long-Term Care Ombudsman program in accordance with section 712 and this part."

(e) USE OF FUNDS; NUTRITION EDUCATION AND SANITARY HANDLING OF MEALS.—Section 307(a)(13) is amended—

(1) in subparagraph (B), by inserting "(other than under section 303(b)(3))" after "available under this title";

(2) by striking "and" at the end of subparagraph (H);

(3) by striking the period at the end of subparagraph (I) and inserting a semicolon; and

(4) by adding at the end the following new subparagraphs:

"(J) each nutrition project shall provide nutrition education on at least a quarterly basis to participants in the congregate and home delivered nutrition services programs described in subparts 1 and 2, respectively; and

"(K) each project must comply with applicable provisions of State or local laws regarding the safe and sanitary handling of food, equipment, and supplies used in the storage, preparation, service, and delivery of meals to an older person."

(f) LEGAL PROBLEMS.—Section 307(a)(15) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) the plan contains assurances that area agencies on aging will give priority to legal problems related to income, health care, long-

term care, nutrition, housing and utilities, defense of guardianship, abuse and neglect, and age discrimination."

(g) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—Section 307(a)(16) is amended by striking ", if funds are not appropriated under section 303(g) for a fiscal year, provide that" and inserting "provide".

(h) EXPENDITURES UNDER STATE LONG-TERM CARE OMBUDSMAN PROGRAM.—Section 307(a) is amended by striking paragraph (21) and inserting the following new paragraph:

"(21) The plan shall provide assurances that the State agency, in carrying out the State Long-Term Care Ombudsman program under section 307(a)(12), will expend not less than the total amount expended by the agency in fiscal year 1991 in carrying out such a program under this title."

(i) OUTREACH AND INFORMATION.—Section 307(a) is amended by striking paragraph (24) and inserting the following new paragraph:

"(24) The plan shall provide assurances that the State agency will require outreach efforts that will—

"(A) identify older individuals who are eligible for assistance under this title, with special emphasis on—

"(i) older individuals with greatest economic need (with particular attention to low-income minority individuals);

"(ii) older individuals with greatest social need (with particular attention to low-income minority individuals);

"(iii) older individuals who reside in rural areas;

"(iv) isolated older individuals;

"(v) older individuals with Alzheimer's disease or related disorders (and the uncompensated caretakers of individuals with such disease or disorders); and

"(B) inform the individuals and caretakers described in clauses (i) through (v) of subparagraph (A) of the availability of such assistance."

(j) ELDER RIGHTS STATE PLAN.—Section 307(a) is amended by striking paragraph (30) and inserting the following new paragraph:

"(30) The plan shall provide assurances that the State has submitted, or will submit, a State plan under section 705."

(k) REQUIREMENTS.—Section 307(a) is amended—

(1) by striking paragraph (31); and

(2) by adding at the end the following new paragraphs:

"(31) The plan shall provide assurances that if the State receives funds appropriated under section 303(d)(2), the State agency and area agencies on aging will expend such funds to carry out subpart 2 of part D.

"(32)(A) If 50 percent or more of the area plans in the State provide for an area volunteer services coordinator, as described in section 306(a)(11), the State plan shall provide for a State volunteer services coordinator, who shall—

"(i) encourage area agencies on aging to provide for area volunteer services coordinators;

"(ii) coordinate the volunteer services offered between the various area agencies on aging;

"(iii) encourage, organize and promote the use of older individuals as volunteers to the State;

"(iv) provide technical assistance, which may include training, to area volunteer services coordinators; and

"(v) promote the recognition of the contribution made by volunteers to the programs administered under the State plan.

"(B) If fewer than 50 percent of the area plans in the State provide for an area volunteer services coordinator, the State plan may provide for the State volunteer services coordinator described in subparagraph (A).

"(33) The plan shall provide assurances that special efforts will be made to provide technical assistance to minority service providers.

"(34) The plan—

"(A) shall include the statement and the demonstration required by paragraphs (2) and (4) of section 305(d); and

"(B) may not be approved unless the Commissioner approves such statement and such demonstration.

"(35) The plan shall require the establishment of a State advisory group to continuously advise the State agency on all matters relating to the development of the State plan, the administration of the State plan, and operations conducted under the plan.

"(36) The plan shall provide an assurance that the State agency will coordinate programs under this title and title VI where applicable.

"(37) The plan shall—

"(A) provide an assurance that the State agency will pursue activities to increase access by older Native Americans to all aging programs and benefits provided by the agency, including programs and benefits under this title, where applicable; and

"(B) specify the ways in which the State agency intends to implement the activities.

"(38) The plan shall provide that the State agency shall ensure compliance with the requirements specified in section 306(a)(16).

"(39) The plan shall identify for each fiscal year, the actual and projected additional costs of providing services under this title, including the cost of providing access to such services, to older individuals residing in rural areas in the State (in accordance with a standard definition of rural areas specified by the Commissioner)."

SEC. 307. PLANNING, COORDINATION, EVALUATION, AND ADMINISTRATION OF STATE PLANS.

Section 308(b) is amended by striking paragraphs (4) and (5) and adding at the end the following new paragraphs:

"(4)(A) Notwithstanding any other provision of this title, a State agency may elect to transfer, between subparts 1 and 2 of part C, not more than 30 percent of the amount that is allotted to the State from the funds appropriated under paragraphs (1) and (2) of section 303(b), for use as the State agency considers appropriate to meet the needs of the areas served.

"(B) A State agency that elects to make a transfer described in subparagraph (A) shall indicate the election in the information submitted to comply with section 307(a)(13).

"(5)(A) A State agency that desires to transfer, between subparts 1 and 2 of part C, more than 30 percent of the amount described in paragraph (4)(A) shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(B) At a minimum, the application described in subparagraph (A) shall include a description of the amount to be transferred, the purposes of the transfer, the need for the transfer, and the impact of the transfer on the services from which the funding will be transferred. The Commissioner shall approve or deny the application in writing.

"(6)(A) Notwithstanding any other provision of this title, a State agency may elect to transfer, between parts B and C, not more than 30 percent of the amount that is allotted to the State from the funds appropriated under subsection (a) and paragraphs (1) and (2) of section 303(b), for use as the State agency considers appropriate to meet the needs of the areas served.

"(B) A State agency that elects to make a transfer described in subparagraph (A) shall notify the Commissioner of any such election.

"(7) A State agency may not delegate to an area agency on aging or any other entity the

authority to make a transfer described in paragraph (4)(A), (5)(A), or (6)(A).

"(8) The Commissioner shall annually collect, and include in the report required by section 207(a), data regarding the transfers described in paragraphs (4)(A), (5)(A), and (6)(A), including—

"(A) the amount of funds involved in the transfers, analyzed by State;

"(B) the rationales for the transfers;

"(C) in the case of transfers described in paragraphs (4)(A) and (5)(A), the effect of the transfers of the provision of services, including the effect on the number of meals served, under—

"(i) subpart 1 of part C; and

"(ii) subpart 2 of part C; and

"(D) in the case of transfers described in paragraph (6)(A)—

"(i) in the case of transfers to part B, information on the supportive services, or services provided through senior centers, for which the transfers were used; and

"(ii) the effect of the transfers on the provision of services provided under—

"(I) part B; and

"(II) part C, including the effect on the number of meals served."

SEC. 308. DISASTER RELIEF REIMBURSEMENTS.

Section 310(a) (42 U.S.C. 3030(a)) is amended—

(1) in paragraph (1), by striking "supportive services" and inserting "supportive supplies and services"; and

(2) by adding at the end the following new paragraph:

"(3) The Commissioner shall advance to a State up to 75 percent of the funds available for relief of a disaster not later than 5 working days after the President declares the disaster as described in paragraph (1)."

SEC. 309. AVAILABILITY OF SURPLUS COMMODITIES.

Section 311 (42 U.S.C. 3030a) is amended—

(1) in subsection (a)(4)—

(A) by designating the first sentence as subparagraph (A);

(B) by designating the second and third sentence as subparagraph (B), and indenting accordingly; and

(C) in subparagraph (A) (as designated by subparagraph (A) of this paragraph), by striking "shall maintain" and all that follows, and inserting the following: "shall maintain—

"(i) for fiscal year 1992, a level of assistance equal to the greater of—

"(I) a per meal rate equal to the amount appropriated under subsection (c) for fiscal year 1992, divided by the number of meals served in the preceding fiscal year; or

"(II) 61 cents per meal; and

"(ii) for fiscal year 1993 and each of the subsequent fiscal years, an annually programmed level of assistance equal to the greater of—

"(I) a per meal rate equal to the amount appropriated under subsection (c) for the fiscal year, divided by the number of meals served in the preceding fiscal year; and

"(II) 61 cents per meal, adjusted in accordance with changes in the series for food away from home, of the Consumer Price Index, published by the Bureau of Labor Statistics of the Department of Labor, based on the 12-month period ending on July 1 of the preceding year.";

and

(2) in subsection (c)—

(A) in paragraph (1)(A), by striking "\$151,000,000" and all that follows through "1991" and inserting "\$220,000,000 for fiscal year 1992, \$235,000,000 for fiscal year 1993, \$250,000,000 for fiscal year 1994, and \$265,000,000 for fiscal year 1995"; and

(B) in paragraph (2)—

(i) by striking "(2) In" and inserting "(2)(A) Except as provided in subparagraph (B), in"; and

(ii) by adding at the end the following new subparagraph:

"(B) To the extent feasible, the cents per meal level described in subparagraph (A) shall not be reduced below 61 cents per meal in any fiscal year. In each fiscal year, the final reimbursement claims shall be adjusted to use the full amount appropriated under this subsection for the fiscal year."

Subtitle B—Supportive Services and Senior Centers

SEC. 311. SUPPORTIVE SERVICES.

Section 321(a) (42 U.S.C. 3030d(a)) is amended—

(1) in paragraph (3), by inserting "(including information and assistance services)" after "and services";

(2) in paragraph (5)—

(A) by striking "client assessment through case management" and inserting "case management services (including providing information relating to assistive technology); and

(B) by inserting "music therapy services," after "reader services,";

(3) by striking paragraph (6) and inserting the following new paragraph:

"(6) services designed to provide to older individuals legal assistance and other counseling services and assistance, including—

"(A) tax counseling and assistance, financial counseling, and counseling regarding appropriate health and life insurance coverage;

"(B) representation—

"(i) of individuals who are wards (or are allegedly incapacitated); and

"(ii) in guardianship proceedings of older individuals who seek to become guardians, if other adequate representation is unavailable in the proceedings; and

"(C) counseling regarding permanency planning for elderly caregivers of adult children with mental and physical disabilities" after "older individuals.";

(4) in paragraph (7), by striking "physical activity and exercise" and inserting "physical activity, exercise, music therapy, art therapy, and dance/movement therapy";

(5) in paragraph (9), by striking "preretirement" and all that follows and inserting "for older individuals, preretirement counseling and assistance in planning for and assessing future post-retirement needs with regard to public and private insurance, public benefits, lifestyle changes, relocation, legal matters, leisure time, and other appropriate matters";

(6) in paragraph (11), by inserting "or who are caregivers of adult children who are disabled" after "who are disabled";

(7) in paragraph (12), by inserting "and second career" after "including job";

(8) by striking "or" at the end of paragraph (18);

(9) by redesignating paragraph (19) as paragraph (22);

(10) by inserting after paragraph (18) the following new paragraphs:

"(19) services designed to support family members and other persons providing voluntary care to older individuals that need long-term care services;

"(20) services designed to provide information and training for individuals who are or may become guardians or representative payees of older individuals, including information on the powers and duties of guardians and representative payees and on alternatives to guardianships;

"(21) services to encourage and facilitate regular interaction between school-age children and older individuals, including visits in long-term care facilities, senior centers, and other settings; or"; and

(11) by striking the second sentence.

Subtitle C—Nutrition Services

SEC. 321. CONGREGATE NUTRITION SERVICES.

Section 331 (42 U.S.C. 3030e) is amended—

(1) by inserting "(a)" after the section designation;

(2) in subsection (a) (as designated by paragraph (1) of this subsection), by striking "each of which" and all that follows through "National Research Council"; and

(3) by adding at the end the following new subsection:

"(b) An agency that establishes and operates a nutrition project under subsection (a) shall ensure that the meals provided through the project—

"(1) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture; and

"(2) provide a 5-day time-averaged intake of—

"(A) 33 $\frac{1}{3}$ percent of the daily recommended dietary allowances, as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project serves one meal each day;

"(B) 66 $\frac{2}{3}$ percent of the allowances, if the project serves two meals each day; and

"(C) 100 percent of the allowances, if the project serves three meals each day."

SEC. 322. HOME DELIVERED NUTRITION SERVICES.

Section 336 (42 U.S.C. 3030f) is amended—

(1) by inserting "(a)" after the section designation;

(2) in paragraph (1) of subsection (a) (as designated by paragraph (1) of this subsection), by striking "each of which" and all that follows through "National Research Council"; and

(3) by adding at the end the following new subsection:

"(b) An agency that establishes and operates a nutrition project under subsection (a) shall ensure that the meals provided through the project—

"(1) comply with the Dietary Guidelines for Americans, published by the Secretary and the Secretary of Agriculture; and

"(2) provide a 5-day time-averaged intake of—

"(A) 33 $\frac{1}{3}$ percent of the daily recommended dietary allowances, as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, if the project serves one meal each day;

"(B) 66 $\frac{2}{3}$ percent of the allowances, if the project serves two meals each day; and

"(C) 100 percent of the allowances, if the project serves three meals each day."

SEC. 323. CRITERIA.

Section 337 (42 U.S.C. 3030g) is amended by inserting "the Dietary Managers Association," after "Dietetic Association,".

SEC. 324. CONGREGATE NUTRITION SERVICES AND INTERGENERATIONAL ACTIVITIES.

(a) FINDINGS.—Congress finds that—

(1) there are millions of older individuals who could benefit from congregate nutrition services, but live in areas where meals are unavailable or limited;

(2) there are millions of elementary and secondary school students who need positive role models, tutors, enhancement of self-esteem, and assistance with multiple and complex economic, health, and social problems;

(3) older individuals have a unique range of knowledge, talents, and experience, which can be of immeasurable value to students as a part of the educational process;

(4) intergenerational programs can provide older individuals with the opportunity to contribute skills and talents in the public schools;

(5) programs that create and foster communication between older individuals and youth are effective in improving awareness and understanding of the aging process, promoting more positive and balanced views of the realities of aging, and reducing negative stereotyping of older individuals;

(6) unused or underused space in school buildings can be used for intergenerational programs serving older individuals in exchange for good faith commitments by older individuals to provide volunteer assistance in the public schools; and

(7) school districts need broad-based community support for school initiatives, and intergenerational programs can help to enrich the support.

(b) PURPOSES.—The purposes of this section are—

(1) to create and foster intergenerational opportunities for older individuals and elementary and secondary students in the schools, where meals and social activities are provided;

(2) to create school-based programs for older individuals to assist elementary and secondary students who have limited-English proficiency or are at risk of—

- (A) dropping out of school;
- (B) abusing controlled substances;
- (C) remaining illiterate; and
- (D) living in poverty.

(3) to provide older individuals with opportunities to improve their self-esteem and make major contributions to the educational process of the youth of the United States by contributing the unique knowledge, talents, and sense of history of older individuals through roles as volunteer tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and many other school support roles;

(4) to provide an opportunity for older individuals to obtain access to school facilities and resources, such as libraries, gymnasiums, theaters, cafeterias, audiovisual resources, and transportation; and

(5) to create other programs for group interaction between students and older individuals, including class discussions, dramatic programs, shared school assemblies, field trips, and mutual classes.

(c) SCHOOL-BASED MEALS FOR VOLUNTEER OLDER INDIVIDUALS AND INTERGENERATIONAL PROGRAMS.—Part C of title III (42 U.S.C. 3030e et seq.) is amended by adding at the end the following new subpart:

"Subpart 3—School-Based Meals for Volunteer Older Individuals and Intergenerational Programs

"SEC. 338. ESTABLISHMENT.

"(a) IN GENERAL.—The Commissioner shall establish and carry out, under State plans approved under section 307, a program for making grants to States to pay for the Federal share of establishing and operating projects in elementary and secondary schools that—

"(1) provide hot meals, each of which ensures a minimum of one-third of the daily recommended dietary allowances as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences, to volunteer older individuals—

"(A) while such schools are in session;

"(B) during the summer; and

"(C) unless waived by the State involved, on the weekdays in the school year when such schools are not in session;

"(2) provide intergenerational activities in which volunteer older individuals and students interact;

"(3) provide social and recreational activities for volunteer older individuals;

"(4) develop skill banks that maintain and make available to school officials information on the skills and preferred activities of volunteer older individuals, for purposes of providing opportunities for such individuals to serve as tutors, teacher aides, living historians, special speakers, playground supervisors, lunchroom assistants, and in other roles; and

"(5) provide opportunities for volunteer older individuals to participate in school activities

(such as classes, dramatic programs, and assemblies) and use school facilities.

"(b) FEDERAL SHARE.—The Federal share of the costs of establishing and operating nutrition and intergenerational activities projects under this subpart shall be 85 percent.

"SEC. 338A. APPLICATION AND SELECTION OF PROVIDERS.

"(a) CONTENTS OF APPLICATION.—To be eligible to carry out a project under the program established under this subpart, an entity shall submit an application to a State agency. Such application shall include—

"(1) a plan describing the project proposed by the applicant and comments on such plan from the appropriate area agency on aging and the appropriate local educational agency;

"(2) an assurance that the entity shall pay not more than 85 percent of the cost of carrying out such project from funds awarded under this subpart;

"(3) an assurance that the entity shall pay not less than 15 percent of such cost, in cash or in kind, from non-Federal sources;

"(4) information demonstrating the need for such project, including a description of—

"(A) the nutrition services and other services currently provided under this part in the geographic area to be served by such project; and

"(B) the manner in which the project will be coordinated with such services; and

"(5) such other information and assurances as the Commissioner may require by regulation.

"(b) SELECTION AMONG APPLICANTS.—In selecting grant recipients from among entities that submit applications under subsection (a) for a fiscal year, the State agency shall—

"(1) give first priority to entities that carried out a project under this subpart in the preceding fiscal year;

"(2) give second priority to entities that carried out a nutrition project under subpart 1 in the preceding fiscal year; and

"(3) give third priority to entities whose applications include a plan that involves a school with greatest need (as measured by the dropout rate, the level of substance abuse, the number of children who have limited-English proficiency or who participate in programs under chapter 1 of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.), the National School Lunch Act (42 U.S.C. 1751 et seq.), or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), or other measures).

"SEC. 338B. REPORTS.

"(a) REPORTS BY STATES.—Not later than 60 days after the end of a fiscal year for which a State receives a grant under this subpart, such State shall submit to the Commissioner a report evaluating the projects carried out under this subpart by such State in such fiscal year. Such report shall include for each project—

"(1) a description of—

"(A) persons served;

"(B) intergenerational activities carried out; and

"(C) additional needs of volunteer older individuals and students; and

"(2) recommendations for any appropriate modifications to satisfy the needs described in paragraph (1)(C).

"(b) REPORTS BY COMMISSIONER.—Not later than 120 days after the end of a fiscal year for which funds are appropriated to carry out this subpart, the Commissioner shall submit to the Speaker of the House of Representatives and the President pro tempore of the Senate a report summarizing, with respect to each State, the reports submitted under subsection (a) for such fiscal year."

SEC. 325. SENIOR NUTRITION.

Part C of title III (42 U.S.C. 3030e et seq.) (as amended by section 324(c)) is further amended by adding at the end the following new subpart:

"Subpart 4—General Nutrition Service Provisions

"SEC. 339. DIETARY PROFESSIONALS.

"(a) IN GENERAL.—The Commissioner shall ensure that the Administration shall employ at least one individual as a National Dietary Professional on a full-time basis.

"(b) QUALIFICATIONS.—The National Dietary Professional shall—

"(1) have experience in nutrition and dietary services; and

"(2)(A) be a registered dietitian;

"(B) be a credentialed nutrition professional; or

"(C) have education and training that is substantially equivalent to the education and training for a registered dietitian or a credentialed nutrition professional.

"(c) DUTIES.—

"(1) NATIONAL DIETARY PROFESSIONAL.—The National Dietary Professional shall be responsible for the administration of the congregate and home delivered nutrition services programs described in subparts 1 and 2, respectively, and shall have duties that include—

"(A) designing, implementing, and evaluating nutrition programs;

"(B) developing guidelines for nutrition providers concerning safety, sanitary handling of food, equipment, preparation, and food storage;

"(C) disseminating information to nutrition service providers about nutrition advancements and developments;

"(D) promoting coordination between nutrition service providers and community-based organizations serving older individuals;

"(E) developing guidelines on cost containment;

"(F) defining a long range role for the nutrition services in community-based care systems;

"(G) developing model menus and other appropriate materials for serving special needs populations and meeting cultural meal preferences; and

"(H) providing technical assistance to the regional offices of the Administration with respect to each duty described in subparagraphs (A) through (G).

"(2) REGIONAL OFFICES.—The regional offices of the Administration shall be responsible for disseminating, and providing technical assistance regarding, the guidelines and information described in subparagraphs (B), (C), and (E) of paragraph (1) to State agencies, area agencies on aging, and persons that provide nutrition services under this part.

"SEC. 339A. MINIMUM CRITERIA AND GUIDELINES FOR NUTRITION SERVICES.

"(a) TASK FORCE.—

"(1) IN GENERAL.—The Commissioner shall establish a task force to develop recommendations for minimum criteria and guidelines of efficiency and quality for furnishing congregate and home delivered nutrition services, as described in subparts 1 and 2, respectively.

"(2) COMPOSITION OF TASK FORCE.—The task force shall be composed of members appointed by the Commissioner from among individuals nominated by the Secretary of Agriculture, the American Dietetic Association, the Dietary Managers Association, the National Association of Nutrition and Aging Service Programs, the National Association of Meal Programs, the National Association of State Units on Aging, the National Association of Area Agencies on Aging, and other appropriate organizations.

"(3) REPORT.—Not later than January 1, 1993, the task force shall submit a report to the Commissioner containing the recommendations described in paragraph (1).

"(b) REGULATIONS.—

"(1) IN GENERAL.—Not later than June 30, 1993, the Commissioner, in consultation with the Secretary of Agriculture, shall promulgate regu-

lations establishing minimum criteria and guidelines for furnishing the congregate and home delivered nutrition services described in subparts 1 and 2.

"(2) **BASIS.**—The regulations shall reflect, to the extent determined appropriate by the Commissioner, the recommendations described in subsection (a)(1).

"SEC. 339B. NUTRITION EDUCATION.

"The Commissioner and the Secretary of Agriculture may provide technical assistance and appropriate material to agencies carrying out nutrition education programs in accordance with section 307(a)(13)(J)."

Subtitle D—In-Home Services for Frail Older Individuals

SEC. 331. GRANTS FOR SUPPORTIVE ACTIVITIES FOR CERTAIN INDIVIDUALS WHO PROVIDE IN-HOME SERVICES TO FRAIL OLDER INDIVIDUALS.

(a) **GRANTS.**—Part D of title III (42 U.S.C. 3030h et seq.) is amended—

(1) by redesignating section 343 as section 341A;

(2) by redesignating section 342 as section 343;

(3) by inserting after the part designation the following:

"Subpart 1—In-Home Services";

(4) by inserting after section 341A (as redesignated by paragraph (1) of this subsection) the following:

"Subpart 2—Supportive Activities for Certain Individuals Who Provide In-Home Services to Frail Older Individuals

"SEC. 342. PROGRAM.

"(a) **IN GENERAL.**—The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide supportive activities for individuals (including family members) who without compensation provide in-home services to frail older individuals (including older individuals who are victims of Alzheimer's disease and related disorders).

"(b) **SUPPORTIVE ACTIVITIES.**—The supportive activities described in subsection (a) may include—

"(1) providing training and counseling for individuals who provide such services;

"(2) providing technical assistance to such individuals to assist the individuals in forming or participating in support groups;

"(3) providing information—

"(A) to the frail older individuals and their families regarding ways of obtaining in-home services and respite services; and

"(B) to individuals who provide such services, regarding—

"(i) ways of providing such services; and

"(ii) sources of nonfinancial support available to the individuals as a result of providing such services; and

"(4) maintaining lists of individuals who provide respite services for the families of the frail older individuals.

"Subpart 3—General Provisions".

(b) **CONFORMING AMENDMENT.**—Section 307(a)(10) (42 U.S.C. 3027(a)(10)) is amended by striking "section 342(1)" and inserting "section 343(1)".

SEC. 332. IN-HOME SERVICES.

Section 343 (42 U.S.C. 3030i) (as redesignated by section 331(a)(2) of this Act) is amended to read as follows:

"SEC. 342. DEFINITION.

"For purposes of this part, the term 'in-home services' includes—

"(1) homemaker and home health aides;

"(2) visiting and telephone reassurance;

"(3) chore maintenance;

"(4) in-home respite care for families, and adult day care as a respite service for families;

"(5) minor modification of homes that is necessary to facilitate the ability of older individuals to remain at home and that is not available under other programs, except that not more than \$150 per client may be expended under this part for such modification;

"(6) personal care services; and

"(7) other in-home services as defined—

"(A) by the State agency in the State plan submitted in accordance with section 307; and

"(B) by the area agency on aging in the area plan submitted in accordance with section 306."

Subtitle E—Additional Assistance for Special Needs of Older Individuals

SEC. 341. MUSIC, ART, AND DANCE/MOVEMENT THERAPY.

Section 351 (42 U.S.C. 3030l) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following new paragraph:

"(5) music therapy, art therapy, and dance/movement therapy services; and"

Subtitle F—Preventive Health Services

SEC. 351. PROGRAM AUTHORIZED.

Section 361 (42 U.S.C. 3030m) is amended—

(1) in subsection (a), to read as follows:

"(a) The Commissioner shall carry out a program for making grants to States under State plans approved under section 307 to provide disease prevention and health promotion services and information at senior centers, at congregate meal sites, through home delivered meals programs, or at other appropriate sites. In carrying out such program, the Commissioner shall consult with the Directors of the Centers for Disease Control and the National Institute on Aging;"

(2) by striking subsection (b); and

(3) by redesignating subsection (c) as subsection (b).

SEC. 352. DEFINITION.

(a) **DISEASE PREVENTION AND HEALTH PROMOTION SERVICES.**—Section 363 (42 U.S.C. 3030o) is amended to read as follows:

"SEC. 363. DEFINITION.

"As used in this part, the term 'disease prevention and health promotion services' means—

"(1) health risk assessments;

"(2) routine health screening, which may include hypertension, glaucoma, cholesterol, cancer, vision, hearing, diabetes, and nutrition screening;

"(3) nutritional counseling and educational services for individuals and their primary caregivers;

"(4) health promotion programs, including programs relating to osteoporosis and cardiovascular disease prevention, Alzheimer's disease and related disorders awareness, alcohol and substance abuse reduction, smoking cessation, weight loss and control, and stress management;

"(5) programs regarding physical fitness, group exercise, and music, art, and dance/movement therapy, including programs for intergenerational participation that are provided by—

"(A) an institution of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (42 U.S.C. 1141(a));

"(B) a local educational agency, as defined in section 1201(g) of the Act; or

"(C) a community-based organization;

"(6) home injury control services, including screening of high-risk home environments and provision of educational programs on injury prevention (including fall and fracture prevention) in the home environment;

"(7) screening for the prevention of depression, coordination of community mental health services, provision of educational activities, and

referral to psychiatric and psychological services;

"(8) educational programs on the availability, benefits, and appropriate use of preventive health services covered under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(9)(A) medication management screening; and

"(B) education to prevent incorrect medication and adverse drug reactions;

"(10) information concerning diagnosis, prevention, and treatment of age-related diseases, including osteoporosis, cardiovascular diseases, and Alzheimer's disease and related disorders; and

"(11) counseling regarding followup health services based on any of the services described in paragraphs (1) through (10).

The term shall not include services for which payment may be made under title XVIII of the Social Security Act."

(b) **CONFORMING AMENDMENTS.**—

(1) Part F of title III (42 U.S.C. 3030m et seq.) is amended in the part heading by striking "PREVENTIVE HEALTH SERVICES" and inserting "DISEASE PREVENTION AND HEALTH PROMOTION SERVICES".

(2) Section 422(a)(2) (42 U.S.C. 3035a(a)(2)) is amended by striking "preventive health service" and inserting "disease prevention and health promotion services".

Subtitle G—Programs for Prevention of Abuse, Neglect, and Exploitation

SEC. 361. REPEAL.

Title III (42 U.S.C. 3021 et seq.) is amended by repealing part G.

TITLE IV—TRAINING, RESEARCH, AND DISCRETIONARY PROJECTS AND PROGRAMS

SEC. 401. PRIORITIES FOR GRANTS AND DISCRETIONARY PROJECTS.

Section 402 (42 U.S.C. 3030bb) is amended—

(1) in subsection (c), by striking "and contracts" and inserting "contracts, and cooperative agreements"; and

(2) by adding at the end the following new subsection:

"(d) The Commissioner shall consult with State agencies, area agencies on aging, and recipients of grants under title VI, in—

"(1) developing priorities, consistent with the requirements of this title, for awarding grants and entering into contracts under this title; and

"(2) reviewing applications for the grants and contracts."

SEC. 402. PURPOSES OF EDUCATION AND TRAINING PROJECTS.

Section 410(3) (42 U.S.C. 3030j(3)) is amended by inserting "with particular emphasis on attracting minority persons," after "qualified personnel".

SEC. 403. GRANTS AND CONTRACTS FOR EDUCATION AND TRAINING PROJECTS.

Section 411(a) (42 U.S.C. 3031(a)) is amended—

(1) in paragraph (2), by inserting "with special emphasis on using culturally sensitive practices" before the period; and

(2) in paragraph (4), by inserting before the period the following: "including annual training of directors of programs under title VI".

SEC. 404. MULTIDISCIPLINARY CENTERS OF GERONTOLOGY.

Section 412(a)(4) (42 U.S.C. 3032(a)(4)) is amended by inserting "social work, and psychology," after "education,".

SEC. 405. CAREER PREPARATION FOR THE FIELD OF AGING.

Part A of title IV of the Older Americans Act of 1965 (42 U.S.C. 3030aa et seq.) is amended by adding at the end the following:

"SEC. 413. CAREER PREPARATION FOR THE FIELD OF AGING.

"(a) **GRANTS.**—The Commissioner shall make grants to institutions of higher education, his-

torically Black colleges or universities, Hispanic Centers of Excellence in Health Professions Education, and other educational institutions that serve the needs of minority students, to provide education and training to prepare students for careers in the field of aging.

"(b) DEFINITIONS.—As used in subsection (a):
 "(1) HISPANIC CENTER OF EXCELLENCE IN HEALTH PROFESSIONS EDUCATION.—The term 'Hispanic Center of Excellence in Health Professions Education' has the meaning given such term in section 782(d)(2) of the Public Health Service Act (42 U.S.C. 295g-2(d)(2)).

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

"(3) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))."

SEC. 406. DEMONSTRATION PROJECTS.

Section 422 (42 U.S.C. 3035a) is amended—

(1) in subsection (b)—

(A) by striking "and" at the end of paragraph (8);

(B) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(10) meet the service needs of elderly caregivers of adult children with disabilities, including needs for—

"(A) the provision of respite services; and

"(B) the provision of legal advice, information, and referral services to assist elderly caregivers with permanency planning for their adult children with disabilities; and

"(11) advance the understanding of the efficacy and benefits of providing music therapy, art therapy, or dance/movement therapy to older individuals through—

"(A) projects that—

"(i) study and demonstrate the provision of music therapy, art therapy, or dance/movement therapy services to older individuals who are institutionalized or at risk of being institutionalized; and

"(ii) provide music therapy, art therapy, or dance/movement therapy services in nursing homes, hospitals, rehabilitation centers, hospices, or senior centers, or through disease prevention and health promotion services programs, in-home services, or intergenerational programs; and

"(B) education, training, and information dissemination projects, including—

"(i) projects for the provision of gerontological training to music therapists, and education and training of persons in the aging network regarding the efficacy and benefits of music therapy for older individuals; and

"(ii) projects for disseminating to the aging network and to music therapists background materials on music therapy, best practice manuals, and other appropriate information on the application of music therapy with older individuals."

(2) in subsection (d)(2)—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end the following new subparagraph:

"(B) An agency or organization that receives a grant or enters into a contract under subparagraph (A) or (B)(i) of subsection (b)(11) shall submit to the Commissioner a report containing—

"(i) the results and findings resulting from the projects conducted by the agency or organization under the subparagraph; and

"(ii) the recommendations of the agency or organization regarding means by which music

therapy could be made available, in an efficient and effective manner, to older individuals who would benefit from the therapy."; and

(3) by adding at the end the following new subsection:

"(e) As used in this section, the term 'adult child with a disability' means a child who—

"(1) is age 18 or older;

"(2) is financially dependent on a parent of the child; and

"(3) has a physical or mental disability, including a disability caused by mental illness or mental retardation."

SEC. 407. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

(a) IN GENERAL.—Section 423 (42 U.S.C. 3035b) is amended to read as follows:

"SEC. 423. SPECIAL PROJECTS IN COMPREHENSIVE LONG-TERM CARE.

"(a) DEFINITIONS.—As used in this section:

"(1) PROJECT.—The term 'Project' means a Project To Improve the Delivery of Long-Term Care Services.

"(2) RESOURCE CENTER.—The term 'Resource Center' means a Resource Center for Long-Term Care.

"(b) RESOURCE CENTERS FOR LONG-TERM CARE.—

"(1) GRANTS, CONTRACTS, AND AGREEMENTS.—The Commissioner shall award grants to, or enter into contracts or cooperative agreements with, eligible entities to support the establishment or operation of not fewer than four or more than seven Resource Centers for Long-Term Care in accordance with paragraph (2).

"(2) REQUIREMENTS.—

"(A) FUNCTIONS.—Each Resource Center that receives funds under this subsection shall, with respect to subjects within an area or areas of specialty of the Resource Center—

"(i) perform research;

"(ii) provide for the dissemination of results of the research; and

"(iii) provide technical assistance and training to State agencies and area agencies on aging.

"(B) AREAS OF SPECIALTY.—The areas of specialty described in subparagraph (A) include—

"(i) Alzheimer's disease, related dementias and other cognitive impairments;

"(ii) assessment and case management;

"(iii) data assistance;

"(iv) home modification and housing supportive services;

"(v) consolidation and coordination of services;

"(vi) linkages between acute care and long-term care settings and providers;

"(vii) decisionmaking and bioethics;

"(viii) supply, training, and quality of long-term care personnel;

"(ix) rural issues, including barriers to access to services;

"(x) chronic mental illness;

"(xi) populations with greatest social and economic need, including minorities; and

"(xii) other areas of importance as determined by the Commissioner.

"(c) PROJECTS TO IMPROVE THE DELIVERY OF LONG-TERM CARE SERVICES.—The Commissioner shall award grants to, or enter into contracts or cooperative agreements with, eligible entities to support the entities in establishing or carrying out not fewer than 10 Projects To Improve the Delivery of Long-Term Care Services.

"(d) USE OF FUNDS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity may use funds received under a grant, contract, or agreement—

"(A) described in subsection (b)(1) to pay for part or all of the cost (including startup cost) of establishing and operating a new Resource Center, or of operating a Resource Center in existence on the day before the date of the enact-

ment of the Older Americans Act Reauthorization Amendments of 1991; and

"(B) described in subsection (c) to pay for part or all of the cost (including startup cost) of establishing and carrying out a Project.

"(2) REIMBURSABLE DIRECT SERVICES.—None of the funds described in paragraph (1) may be used to pay for direct services that are eligible for reimbursement under title XVIII, title XIX, or title XX of the Social Security Act (42 U.S.C. 1395 et seq., 1396 et seq., or 1397 et seq.).

"(e) PREFERENCE.—In awarding grants, and entering into contracts and agreements, under this section, the Commissioner shall give preference to entities that demonstrate that—

"(1) adequate State standards have been developed to ensure the quality of services provided under the grant, contract, or agreement; and

"(2) the entity has made a commitment to carry out programs under the grant, contract, or agreement with the State agency responsible for the administration of title XIX of the Social Security Act or title XX of the Social Security Act, or both such agencies.

"(f) APPLICATION.—

"(1) IN GENERAL.—To be eligible to receive funds under a grant, contract, or agreement described in subsection (b)(1) or (c), an entity shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require.

"(2) PROJECT APPLICATION.—An entity seeking a grant, contract, or agreement under subsection (c) shall submit an application to the Commissioner containing, at a minimum—

"(A) information identifying and describing gaps, weaknesses, or other problems in the delivery of long-term care services in the State or service area to be served by the entity, including—

"(i) duplication of functions of various levels in the delivery of services;

"(ii) fragmentation of systems, especially in coordinating services to both the elderly and nonelderly populations;

"(iii) barriers to access for populations with greatest social and economic need, including minorities and residents of rural areas;

"(iv) lack of financing for services; and

"(v) lack of availability of adequately trained personnel;

"(B) a plan to address the gaps, weaknesses and problems described in clauses (i) through (v); and

"(C) information describing the extent to which the entity will coordinate with area agencies on aging and service providers in carrying out the proposed Project.

"(g) ELIGIBLE ENTITIES.—

"(1) RESOURCE CENTERS FOR LONG-TERM CARE.—Entities eligible to receive grants, or enter into contracts or agreements, under subsection (b)(1) include—

"(A) institutions of higher education; and

"(B) other public and nonprofit private organizations.

"(2) PROJECTS TO IMPROVE THE DELIVERY OF LONG-TERM CARE SERVICES.—Entities eligible to receive grants, or enter into contracts or agreements, under subsection (c) include—

"(A) State agencies; and

"(B) in consultation with State agencies—

"(i) area agencies on aging;

"(ii) institutions of higher education; and

"(iii) other public agencies and nonprofit private organizations.

"(h) REPORT.—The Commissioner shall include in the annual report to the Congress required by section 207, a report on the grants awarded, and contracts and cooperative agreements entered into, under this section, including—

"(1) an analysis of the relative effectiveness, and recommendations for any changes, of the

projects of Resource Centers funded under subsection (b)(1); and

"(2) an evaluation of the needs identified, the agencies utilized, and the effectiveness of the approaches tested under subsection (c).

"(i) **AVAILABILITY OF FUNDS.**—The Commissioner shall make available for carrying out subsection (b) for each fiscal year not less than the amount made available in fiscal year 1991 for making grants and entering into contracts to establish and operate Resource Centers under section 423 of this Act, as in effect on the day before the date of the enactment of the Older Americans Act Reauthorization Amendments of 1991."

(b) **OBLIGATION.**—Not later than January 1, 1992, the Commissioner shall obligate, from the funds appropriated under section 431(a)(1) of the Older Americans Act of 1965 (42 U.S.C. 3037(a)(1)) for fiscal year 1992—

(1) not less than the amount described in section 423(i) of such Act (42 U.S.C. 3035b(i)) for carrying out section 423(b)(1) of such Act; and

(2) such sums as may be necessary for carrying out section 423(c) of such Act.

SEC. 408. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

(a) **FINDINGS.**—Congress finds that—

(1) congregate housing, coordinated with the delivery of supportive services, offers an innovative, proven, and cost-effective means of enabling frail older individuals and disabled individuals to maintain dignity and independence;

(2) independent living with assistance is a preferable housing alternative to institutionalization for many frail older and disabled individuals;

(3) 365,000 older individuals in federally assisted housing experience some form of frailty, and the number is expected to increase as the general population ages;

(4) a growing number of frail older individuals who are residents of federally assisted housing projects face premature or unnecessary institutionalization because of the absence of, or deficiencies in, availability, adequacy, coordination, or delivery of supportive services;

(5) the supportive service needs of frail residents of federally assisted housing are beyond the resources and experience that housing managers have for meeting such needs;

(6) the supportive needs of frail residents of federally assisted housing are beyond the resources that the area agencies on aging have for meeting such needs; and

(7) with the necessary resources, the network of area agencies on aging could provide supportive services to older residents of federally assisted housing projects in an effective manner and reduce the incidence of premature and unnecessary institutionalization.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to provide services to frail older individuals in federally assisted housing projects through the aging network of area agencies on aging and the subcontractors of the agencies;

(2) to improve the quality of life for older individuals living in federally assisted housing;

(3) to better target the resources of the Administration to low-income individuals, with particular attention to low-income minority individuals;

(4) to develop partnerships and models for coordination between Department of Housing and Urban Development and Farmers Home Administration projects and the aging network;

(5) to involve the aging network in the development of the Comprehensive Housing Affordability Strategy and other programs serving older individuals under the Cranston-Gonzalez National Affordable Housing Act of 1990 (Public Law 101-625, 104 Stat. 4079);

(6) to provide the aging network staff the opportunity to effectively identify and assess the

housing and supportive service needs of older individuals; and

(7) to improve the programs and services provided within the jurisdiction of the area agencies on aging and State agencies.

(c) **DEMONSTRATION PROJECTS.**—Part B of title IV is amended by inserting after section 426 (42 U.S.C. 3035e) the following new section:

"SEC. 426A. SUPPORTIVE SERVICES IN FEDERALLY ASSISTED HOUSING DEMONSTRATION PROGRAM.

"(a) **GRANTS.**—The Commissioner shall award grants to eligible agencies to establish demonstration programs to provide supportive services in federally assisted housing.

"(b) **USE OF GRANTS.**—An eligible agency shall use a grant awarded under subsection (a) to conduct outreach and to provide to older individuals who are residents in federally assisted housing projects, services including—

"(1) meal services;

"(2) transportation;

"(3) personal care, dressing, bathing, and toileting;

"(4) housekeeping and chore assistance;

"(5) nonmedical counseling;

"(6) case management;

"(7) other services to prevent premature and unnecessary institutionalization of eligible project residents; and

"(8) other services provided under this Act.

"(c) **AWARD OF GRANTS.**—The Commissioner shall award grants under subsection (a) to agencies in varied geographic settings.

"(d) **APPLICATION.**—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(1) information demonstrating a lack of, and need for, supportive services programs in federally assisted housing projects in the service area;

"(2) a comprehensive plan to coordinate with housing facility management to provide services to frail residents who are in danger of premature or unnecessary institutionalization;

"(3) information demonstrating initiative on the part of the agency to address the supportive service needs of older individuals who are residents in federally assisted housing projects;

"(4) information demonstrating financial, in kind, or other support from State or local governments, or from private resources;

"(5) an assurance that the agency will participate in the development of the Comprehensive Housing Affordability Strategy and seek funding for supportive services under the Department of Housing and Urban Development or the Farmers Home Administration;

"(6) an assurance that the agency will target services to low-income minority individuals and conduct outreach;

"(7) an assurance that the agency will comply with the guidelines described in subsection (f); and

"(8) a plan to evaluate the eligibility of residents for services under the federally assisted housing demonstration program, which plan shall include a professional assessment committee to identify residents.

"(e) **ELIGIBLE AGENCIES.**—Agencies eligible to receive grants under this section shall include State agencies and area agencies on aging.

"(f) **GUIDELINES.**—The Commissioner shall issue guidelines for use by agencies that receive grants under this section—

"(1) regarding the level of frailty that residents must meet to be eligible for services under a demonstration program established under this section; and

"(2) for accepting voluntary contributions from residents who receive services under such a program.

"(g) **EVALUATIONS AND REPORTS.**—

"(1) **AGENCIES.**—Each agency that receives a grant under subsection (a) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) **COMMISSIONER.**—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner awards grants under subsection (a)—

"(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a); and

"(B) submit a report containing the evaluation to the appropriate committees of Congress."

SEC. 409. NEIGHBORHOOD SENIOR CARE PROGRAM.

Part B of title IV of the Older Americans Act of 1965 is amended by adding after section 426A (as added by section 408 of this Act) the following new section:

"SEC. 426B. NEIGHBORHOOD SENIOR CARE PROGRAM.

"(a) **DEFINITIONS.**—As used in this section:

"(1) **HEALTH AND SOCIAL SERVICES.**—The term 'health and social services' includes skilled nursing care, personal care, social work services, homemaker services, health and nutrition education, health screening, home health aid services, and specialized therapies.

"(2) **VOLUNTEER SERVICES.**—The term 'volunteer services' includes peer counseling, chore services, help with mail and taxes, transportation, socialization, and other similar services.

"(b) **SERVICE GRANTS.**—

"(1) **IN GENERAL.**—The Commissioner may award grants to eligible communities to establish neighborhood senior care programs to draw on the professional and volunteer services of local residents to provide health and social services and volunteer services to elderly neighbors who might otherwise have to be admitted to nursing homes and to hospitals.

"(2) **PREFERENCE.**—In awarding grants to communities under this section, the Commissioner shall give preference to applicants experienced in operating community programs and programs meeting the independent living needs of older individuals.

"(3) **ADVISORY BOARD.**—The Commissioner shall establish an Advisory Board to provide guidance regarding the neighborhood senior care programs. Not fewer than two-thirds of the members of the Advisory Board shall be neighborhood residents in communities receiving grants under paragraph (1).

"(4) **APPLICATION.**—To be eligible to receive a grant under this section, a community shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may reasonably require. Each application shall—

"(A) describe the activities for which assistance is sought;

"(B) describe the neighborhood in which services are to be provided, support and formal services to be provided, and a plan for integration of volunteer services and health and social services;

"(C)(i) provide assurances that nurses, social workers, and community volunteers and an outreach coordinator live in the neighborhood; or

"(ii)(I) reasons that it is not possible to provide such assurances; and

"(II) assurances that nurses, social workers, community volunteers and an outreach coordinator will be assigned consistently to the particular neighborhood; and

"(D) provide for an evaluation of the activities for which assistance is sought.

"(c) **TECHNICAL RESOURCE CENTER.**—The Commissioner shall, to the extent appropriations are available, execute a contract with an applicant described in subsection (b)(2) to establish a technical resource center that will—

"(1) assist the Commissioner in developing criteria for, and in awarding grants to communities to establish, neighborhood senior care organizations that will implement neighborhood senior care programs under subsection (b);

"(2) assist communities interested in establishing such a neighborhood senior care program;

"(3) coordinate the neighborhood senior care programs;

"(4) provide ongoing analysis and data collection of the neighborhood senior care programs and provide data to the Commissioner;

"(5) serve as a liaison to State agencies interested in establishing the neighborhood senior care programs in their States; and

"(6) take any further actions as established in regulation by the Commissioner."

SEC. 410. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

Part B of title IV is amended by adding after section 426B (as added by section 409 of this Act) the following new section:

"SEC. 426C. INFORMATION AND ASSISTANCE SYSTEMS DEVELOPMENT PROJECTS.

"(a) **GRANTS.**—The Commissioner may—

"(1) make grants to selected State agencies, and, in consultation with State agencies, to selected area agencies on aging to support the improvement of information and assistance services, and systems of services, operated at the State and local levels; and

"(2) make grants to organizations to provide training and technical assistance to State agencies, area agencies on aging, and providers—

"(A) to continue support of a national telephone access service to link older individuals, families, and caregivers to State and local information and assistance services funded under this Act; and

"(B) to support the improvement of information and assistance services, and systems of services, operated at the State and local levels.

"(b) **APPLICATION.**—To be eligible to receive a grant under subsection (a) an appropriate agency or organization shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may specify.

"(c) **GUIDELINES.**—The Commissioner shall establish guidelines for the operation of the national telephone access service described in subsection (a)(1)(B).

"(d) **EVALUATION AND REPORT.**—

"(1) **EVALUATION.**—The Commissioner shall conduct an evaluation of the effectiveness of the national telephone service described in subsection (a)(1)(B) in—

"(A) providing information and assistance services to older individuals, families, and caregivers; and

"(B) linking the older individuals, families, and caregivers to State and local information and assistance services.

"(2) **REPORT.**—Not later than January 1, 1995, the Commissioner shall submit the evaluation described in paragraph (1) to the appropriate committees of Congress."

SEC. 411. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

Part B of title IV is amended by adding after section 426C (as added by section 410 of this Act) at the end the following new section:

"SEC. 426D. SENIOR TRANSPORTATION DEMONSTRATION PROGRAM GRANTS.

"(a) **ESTABLISHMENT.**—The Commissioner shall establish and carry out Senior Transportation Demonstration Programs. In carrying out the Programs, the Commissioner shall award grants to not fewer than five eligible entities for

the purpose of improving the mobility of older individuals and transportation services for older individuals (referred to in this section as 'senior transportation services').

"(b) **USE OF FUNDS.**—Grants made under this section may be used to—

"(1) develop innovative approaches for improving access by older individuals to supportive services under part B of title III, nutrition services under part C of title III, health care, and other important services;

"(2) develop comprehensive and coordinated senior transportation services; and

"(3) leverage additional resources for senior transportation services by—

"(A) coordinating various transportation services; and

"(B) coordinating various funding sources for transportation services, including—

"(i) sources of assistance under sections 9, 16(b)(2), and 18 of the Urban Mass Transportation Act of 1964 (49 U.S.C. App.) and titles XIX and XX of the Social Security Act (42 U.S.C. 1396 et seq. and 1397 et seq.); and

"(ii) State and local sources.

"(c) **AWARD OF GRANTS.**—

"(1) **PREFERENCE.**—In awarding grants under this section, the Commissioner shall give preference to entities—

"(A) that demonstrate special needs for enhancing senior transportation services and resources for the services within the geographic area of the entities;

"(B) that establish plans to ensure that senior transportation services are coordinated with general public transportation services and other specialized transportation services;

"(C) that demonstrate the ability to utilize the broadest range of available transportation and community resources to provide senior transportation services;

"(D) that demonstrate the capacity and willingness to coordinate the services with services provided by other appropriate State, regional, and local providers; and

"(E) that establish plans for Senior Transportation Demonstration Programs designed to serve the special needs of low-income, rural, frail, and other at-risk, transit-dependent older individuals.

"(2) **RURAL ENTITIES.**—The Commissioner shall award not less than 50 percent of the grants authorized under this section to entities located in, or primarily serving, rural areas.

"(d) **APPLICATION.**—An entity that seeks a grant under this section shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including at a minimum—

"(1) information describing senior transportation services for which the entity seeks assistance;

"(2) a comprehensive strategy for developing a coordinated transportation system or leveraging additional funding resources, to provide senior transportation services;

"(3) information describing the extent to which the applicant intends to coordinate the activities of the applicant with the activities of other transit providers;

"(4) a plan for evaluating the effectiveness of the proposed Senior Transportation Demonstration Program and preparing a report to be submitted to the Commissioner; and

"(5) such other information as may be required by the Commissioner.

"(e) **ELIGIBLE ENTITIES.**—Entities eligible to receive grants under this section include—

"(1) State agencies;

"(2) area agencies on aging; and

"(3) other public agencies and nonprofit organizations.

"(f) **REPORT.**—

"(1) **PREPARATION.**—The Commissioner shall prepare, either directly or through grants or contracts, annual reports on the Senior Transportation Demonstration Programs established under this section. The reports shall contain an assessment of the effectiveness of individual demonstration projects and recommendations regarding legislative, administrative, and other initiatives needed to improve the mobility of older individuals.

"(2) **SUBMISSION.**—The Commissioner shall submit the report described in paragraph (1) to the appropriate committees of Congress."

SEC. 412. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

Part B of title IV is amended by adding after section 426D (as added by section 411 of this Act) at the end the following new section:

"SEC. 426E. RESOURCE CENTERS ON NATIVE AMERICAN ELDERS.

"(a) **ESTABLISHMENT.**—The Commissioner shall make grants or enter into contracts with not less than two or more than four eligible entities to establish and operate Resource Centers on Native American Elders (referred to in this section as 'Resource Centers'). The Commissioner shall make such grants or enter into such contract for periods of not less than 3 years.

"(b) **FUNCTIONS.**—

"(1) **IN GENERAL.**—Each Resource Center that receives funds under this section shall—

"(A) gather information;

"(B) perform research;

"(C) provide for the dissemination of results of the research; and

"(D) provide technical assistance and training to entities that provide services to older Native Americans.

"(2) **AREAS OF CONCERN.**—In conducting the functions described in paragraph (1), a Resource Center shall focus on priority areas of concern regarding older Native Americans for the Resource Centers, which areas shall include—

"(A) health problems;

"(B) long-term care, including in-home care;

"(C) elder abuse; and

"(D) other problems and issues that the Commissioner determines are of particular importance to older Native Americans.

"(c) **CONSULTATION.**—In determining the type of information to be sought from, and activities to be performed by, Resource Centers, the Commissioner shall consult with the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging and with national organizations with special expertise in serving older Native Americans.

"(d) **ELIGIBLE ENTITIES.**—Entities eligible to receive a grant or enter into a contract under subsection (a) shall be institutions of higher education with experience conducting research and assessment on the needs of the aging population, with preference for institutions of higher education that have conducted research and assessment of the characteristics and needs of older Native Americans.

"(e) **REPORT TO CONGRESS.**—The Commissioner, with assistance from each Resource Center, shall prepare and submit to the appropriate committees of Congress an annual report on the status and needs of older Native Americans."

SEC. 413. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

Part B of title IV is amended by adding after section 426E (as added by section 412 of this Act) the following new section:

"SEC. 426F. DEMONSTRATION PROGRAMS FOR OLDER INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES.

"(a) **DEFINITION.**—As used in this section:

"(1) **DEVELOPMENTAL DISABILITY.**—The term 'developmental disability' has the meaning given the term in section 102(5) of the Devel-

opmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(5)).

"(2) **IN-HOME SERVICE.**—The term 'in-home service' has the meaning given the term in section 343.

"(b) **ESTABLISHMENT.**—The Commissioner shall make grants to State agencies to assist older individuals with developmental disabilities, and their caretakers.

"(c) **USE OF FUNDS.**—A State agency may use a grant awarded under subsection (b) to provide services for older individuals with developmental disabilities, and for older individuals with caregiving responsibilities for developmentally disabled children, including services such as—

- "(1) day care programs;
- "(2) programs to integrate the individuals into existing programs for older individuals;
- "(3) respite care;
- "(4) transportation to senior centers and other facilities and services;
- "(5) supervision;
- "(6) renovation of senior centers;
- "(7) materials to facilitate activities for such individuals;

"(8) training of state agency, area agency on aging, volunteer, and senior center staff, and other service providers, who work with such individuals; and

"(9) in-home services.

"(d) **APPLICATION.**—To be eligible to receive a grant under this section, a State agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require."

SEC. 414. LONG-TERM CARE OMBUDSMAN DEMONSTRATION PROJECTS.

Section 427(a) (42 U.S.C. 3035f(a)) is amended by inserting "legal assistance agencies," after "ombudsman program".

SEC. 415. HOUSING OMBUDSMAN DEMONSTRATION PROGRAM.

(a) **FINDINGS.**—Congress finds that—

(1) older individuals who live in, or are attempting to become residents of, publicly assisted housing experience a range of problems related to the housing situations, the condition of homes, and the economic status of the individuals;

(2) problems that older individuals experience in relation to Federal and other public housing programs include—

- (A) legal and nonlegal issues;
- (B) housing quality issues;
- (C) security and suitability problems; and
- (D) issues related to regulations of the Department of Housing and Urban Affairs and the Farmers Home Administration;

(3) participants and nonparticipants in Federal and other public housing programs have concerns regarding specific program information, processes, procedures, and requirements of housing programs;

(4) the problems and issues that older individuals face are not currently being addressed in a systematic and comprehensive manner;

(5) interest groups and senior citizen service organizations offer a variety of services, but do not necessarily focus on housing problems;

(6) there is a need for a mechanism to assist older individuals in resolving the problems, and protecting the rights, safety, and welfare of the individuals;

(7) the State Long-Term Care Ombudsman programs established under the Older Americans Act of 1965 have exhibited great success in protecting the rights and welfare of nursing home residents through work on complaint resolution and advocacy; and

(8) an approach similar to the approach used under the State Long-Term Care Ombudsman programs could be used to address the housing problems that older individuals experience.

(b) **PURPOSES.**—The purposes of this section are—

(1) to ensure the quality and accessibility of publicly assisted housing programs for older individuals;

(2) to assist older individuals seeking Federal, State, and local assistance in the housing area in receiving timely and accurate information and fair treatment regarding public housing programs and related eligibility requirements;

(3) to enable older individuals to remain in publicly assisted homes and live independently for as long as possible;

(4) to enable older individuals to obtain and maintain affordable and suitable housing that addresses the special needs of the individuals; and

(5) to protect older individuals participating in Federal and other publicly assisted housing programs from abuse, neglect, exploitation, or other illegal treatment in publicly assisted housing programs.

(c) **DEMONSTRATION PROGRAM.**—Title IV (42 U.S.C. 3030aa et seq.) is amended—

- (1) by redesignating part C as part D;
- (2) by inserting after section 426F (as added by section 413 of this Act) the following:

"PART C—ELDER RIGHTS PROTECTION DEMONSTRATION PROJECTS";

and

(3) in part C (as designated by paragraph (2) of this subsection), by adding at the end the following new section:

"SEC. 429. HOUSING OMBUDSMAN DEMONSTRATION PROGRAM.

"(a) **GRANTS.**—The Commissioner shall award grants to eligible agencies to establish housing ombudsman programs.

"(b) **USE OF GRANTS.**—An eligible agency shall use a grant awarded under subsection (a) to—

"(1) establish a housing ombudsman program that provides information, advice, and advocacy services including—

"(A) direct assistance, or referral to services, to resolve complaints or problems;

"(B) provision of information regarding available housing programs, eligibility, requirements, and application processes;

"(C) counseling or assistance with financial, social, familial, or other related matters that may affect or be influenced by housing problems;

"(D) advocacy related to promoting—

"(i) the rights of the older individuals who are residents in publicly assisted housing programs; and

"(ii) the quality and suitability of housing in the programs; and

"(E) assistance with problems related to—

"(i) threats of eviction or eviction notices;

"(ii) older buildings;

"(iii) functional impairments as the impairments relate to housing;

"(iv) discrimination;

"(v) regulations of the Department of Housing and Urban Development and the Farmers Home Administration;

"(vi) disability issues;

"(vii) intimidation, harassment, or arbitrary management rules;

"(viii) grievance procedures;

"(ix) certification and recertification related to programs of the Department of Housing and Urban Development and the Farmers Home Administration; and

"(x) issues related to transfer from one project or program to another; and

"(2) provide the services described in paragraph (1) through—

"(A) professional and volunteer staff to older individuals who are—

"(i) participating in federally assisted and other publicly assisted housing programs; or

"(ii) seeking Federal, State, and local housing programs; and

"(B)(i) the State Long-Term Care Ombudsman program under section 307(a)(12) or section 712;

"(ii) a legal services or assistance organization or through an organization that provides both legal and other social services;

"(iii) a public or not-for-profit social services agency; or

"(iv) an agency or organization concerned with housing issues but not responsible for publicly assisted housing.

"(c) **AWARD OF GRANTS.**—The Commissioner shall award grants under subsection (a) to agencies in varied geographic settings.

"(d) **APPLICATION.**—To be eligible to receive a grant under subsection (a), an agency shall submit an application to the Commissioner at such time, in such manner, and containing such information as the Commissioner may require, including, at a minimum—

"(1) an assurance that the agency will conduct appropriate training of professional and volunteer staff who will provide services through the housing ombudsman demonstration program; and

"(2) an acceptable plan to involve in the demonstration program the Department of Housing and Urban Development, the Farmers Home Administration, any entity described in subsection (b)(3) through which the agency intends to provide services, and other agencies involved in publicly assisted housing programs.

"(e) **ELIGIBLE AGENCIES.**—Agencies eligible to receive grants under this section shall include—

"(1) State agencies;

"(2) area agencies on aging, applying in conjunction with State agencies; and

"(3) other appropriate nonprofit entities, including providers of services under the State Long-Term Care Ombudsman program and the elder rights and legal assistance development program described in parts B and D of title VII, respectively.

"(f) **EVALUATIONS AND REPORTS.**—

"(1) **AGENCIES.**—Each agency that receives a grant under subsection (a) to establish a demonstration program shall, not later than 3 months after the end of the period for which the grant is awarded—

"(A) evaluate the effectiveness of the program; and

"(B) submit a report containing the evaluation to the Commissioner.

"(2) **COMMISSIONER.**—The Commissioner shall, not later than 6 months after the end of the period for which the Commissioner awards grants under subsection (a)—

"(A) evaluate the effectiveness of each demonstration program that receives a grant under subsection (a); and

"(B) submit a report containing the evaluation to the appropriate committees of Congress."

SEC. 416. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Section 431(a) (42 U.S.C. 3037(a)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

"(1) There are authorized to be appropriated to carry out sections 420 through 426, \$40,075,000 for fiscal year 1992, \$42,079,000 for fiscal year 1993, \$44,183,000 for fiscal year 1994, and \$46,392,000 for fiscal year 1995."

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following new paragraph:

"(2)(A) There are authorized to be appropriated to carry out section 426A, \$4,000,000 for fiscal year 1992 and such sums as may be necessary for each of the subsequent fiscal years.

"(B) There are authorized to be appropriated to carry out section 426B, \$5,000,000 for fiscal year 1992, \$5,500,000 for fiscal year 1993, and \$6,000,000 for fiscal year 1994.

"(C) There are authorized to be appropriated to carry out section 426C, such sums as may be

necessary for fiscal year 1992 and each of the subsequent fiscal years.

"(D) There are authorized to be appropriated to carry out section 426D, \$2,500,000 for each of the fiscal years 1992 through 1995.

"(E) There are authorized to be appropriated to carry out section 426E, such sums as may be necessary for each of the fiscal years 1992 through 1995.

"(F) There are authorized to be appropriated to carry out section 426F, \$5,000,000 for each of the fiscal years 1992 through 1995."

(4) in paragraph (3) (as redesignated by paragraph (2) of this section)—

(A) in the first sentence, by striking "\$1,000,000 for fiscal year 1989" and inserting "\$1,000,000 for fiscal year 1993"; and

(B) in the second sentence, by striking "fiscal year 1990" and inserting "fiscal year 1994";

(5) in paragraph (4), (as redesignated by paragraph (2) of this section), by striking "\$2,000,000" and all that follows through "1989 and 1990" and inserting "such sums as may be necessary for each of the fiscal years 1992 through 1995"; and

(6) by adding at the end the following new paragraph:

"(5) There are authorized to be appropriated to carry out section 429, \$2,000,000 for fiscal year 1992 and such sums as may be necessary for each of the subsequent fiscal years."

(b) CONFORMING AMENDMENT.—Section 431(b) is amended by striking "paragraph (2) or (3)" and inserting "paragraph (3) or (4)".

SEC. 417. PAYMENTS OF GRANTS FOR DEMONSTRATION PROJECTS.

Section 432(c) (42 U.S.C. 3037a(c)) is amended by striking "unless the Commissioner" and all that follows and inserting "unless the Commissioner—

"(1) consults with the State agency prior to issuing the grant or contract; and

"(2) informs the State agency of the purposes of the grant or contract when the grant or contract is issued."

SEC. 418. RESPONSIBILITIES OF COMMISSIONER.

Section 433 (42 U.S.C. 3037b) is amended by adding at the end the following new subsection:

"(c)(1) The Commissioner shall establish a Clearinghouse to provide information about education and training projects established under part A, and research and demonstration projects, and other activities, established under part B, to persons requesting the information.

"(2)(A) The Commissioner shall establish procedures specifying the length of time that the Clearinghouse shall provide the information described in paragraph (1) with respect to a particular project. The procedures shall require the Clearinghouse to maintain the information beyond the term of the grant awarded, or contract entered into, to carry out the project.

"(B) The Commissioner shall establish the procedures described in subparagraph (A) after consultation with—

"(i) practitioners in the field of aging;

"(ii) older individuals;

"(iii) representatives of institutions of higher education, as defined in section 1201(a) of the Higher Education Act of 1965 (42 U.S.C. 1141(a));

"(iv) national aging organizations;

"(v) State agencies;

"(vi) area agencies on aging;

"(vii) legal assistance providers;

"(viii) service providers; and

"(ix) other persons with an interest in the field of aging."

TITLE V—OTHER OLDER AMERICANS PROGRAMS

Subtitle A—Community Service Employment for Older Americans

SEC. 501. OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM.

Section 502 (42 U.S.C. 3056) is amended—

(1) in subsection (a), by inserting "and who have poor employment prospects" after "or older"; and

(2) in subsection (d)(1), by striking "within a State such organization or program sponsor shall submit to the State agency on aging" and inserting "within a planning and service area in a State such organization or program sponsor shall submit to the State agency and the area agency on aging of the planning and service area".

SEC. 502. COORDINATION.

Section 503(a) (42 U.S.C. 3056a(a)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by inserting "(1)" after the subsection designation; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary of the Department of Labor shall coordinate with the Commissioner to increase job opportunities available to older individuals."

SEC. 503. EQUITABLE DISTRIBUTION OF ASSISTANCE.

Section 506(a) (42 U.S.C. 3056d(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (B); and

(B) by striking "Beginning with the first" and all that follows through "Preference in awarding such grants or contracts" and inserting the following:

"(B) Preference in awarding grants or contracts to organizations under this section"; and

(2) by adding at the end the following new paragraph:

"(5)(A) After the Secretary makes the allocations required by paragraphs (2), (3), and (4) for a fiscal year, the Secretary shall ensure that the funds allocated under the paragraphs are distributed in accordance with this paragraph.

"(B) If the amount appropriated to carry out this title for the fiscal year exceeds 102 percent of the amount appropriated to carry out this title in fiscal year 1991, the Secretary shall—

"(i) make available a portion of such increased appropriations that is determined to be appropriate by the Secretary (which portion shall be not less than 25 percent of such increased appropriations), for national grants and contracts with public or private nonprofit organizations, for each year until the year (which shall be not later than fiscal year 1995) in which the amount awarded to each such grant recipient or contractor in the fiscal year equals, at a minimum, 1.3 percent of the total amount appropriated under this title in fiscal year 1991; or

"(ii) make available not less than 1.3 percent of such total amount to each such grant recipient or contractor for each year thereafter.

"(C) The Secretary shall reserve such sums as may be necessary for national grants or contracts with public or nonprofit national Indian aging organizations with the ability to provide employment services to older Indians and with national public or nonprofit Pacific Island and Asian American aging organizations with the ability to provide employment services to older Pacific Island and Asian Americans.

"(D) The Secretary shall reserve an amount that is not less than 1 percent and not more than 3 percent of the amount appropriated in excess of the amount appropriated for fiscal year 1978 for the purpose of entering into agreements under section 502(e), relating to improving transition to private employment."

SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

Section 508(a)(1) (42 U.S.C. 3056f(a)(1)) is amended by striking "\$386,715,000" and all that follows and inserting "\$470,055,000 for fiscal year 1992, \$493,557,000 for fiscal year 1993,

\$518,235,000 for fiscal year 1994, and \$544,147,000 for fiscal year 1995; and".

Subtitle B—Grants for Native Americans

SEC. 511. INDIAN PROGRAM COORDINATION.

Section 614(a) (42 U.S.C. 3057e(a)) is amended—

(1) by striking "and" at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(12) provide an assurance that the organization will coordinate programs under this title and title III where applicable."

SEC. 512. NATIVE HAWAIIAN COORDINATION.

Section 624(a) (42 U.S.C. 3057j(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) provide an assurance that the organization will coordinate programs under this title and title III where applicable."

SEC. 513. PAYMENTS.

Section 632 (42 U.S.C. 3057m) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end the following new subsections:

"(b) For fiscal year 1992 and each of the subsequent fiscal years, the Commissioner shall make available—

"(1) to organizations who received a grant to carry out the activities described in part A during fiscal year 1991 a total amount at least equal to the total amount made available to the persons to carry out the activities during fiscal year 1991; and

"(2) to organizations who received a grant to carry out the activities described in part B during fiscal year 1991 a total amount at least equal to the total amount made available to the organizations to carry out the activities during fiscal year 1991.

"(c) For fiscal year 1992 and each of the subsequent fiscal years, the Commissioner shall make available additional funds, from the portion of funds appropriated for the fiscal year that exceeds the amount of funds appropriated for fiscal year 1991, to tribal organizations who—

"(1) received a grant to carry out the activities described in part A in fiscal year 1980; and

"(2) received a grant for a lower level of funding to carry out the activities in a later fiscal year due to an increased number of tribal organizations receiving funding to carry out the activities."

SEC. 514. GRANTS FOR NATIVE AMERICANS.

Section 633 (42 U.S.C. 3057n) is amended to read as follows:

"SEC. 633. AUTHORIZATION OF APPROPRIATIONS. "There are authorized to be appropriated to carry out this title (other than section 615)—

"(1) \$23,321,000 for fiscal year 1992 of which \$21,733,000 shall be available to carry out part A and \$1,588,000 shall be available to carry out part B;

"(2) \$24,603,000 for fiscal year 1993 of which \$22,928,000 shall be available to carry out part A and \$1,675,000 shall be available to carry out part B;

"(3) \$25,956,000 for fiscal year 1994 of which \$24,189,000 shall be available to carry out part A and \$1,767,000 shall be available to carry out part B; and

"(4) \$27,384,000 for fiscal year 1995 of which \$25,520,000 shall be available to carry out part A and \$1,864,000 shall be available to carry out part B."

TITLE VI—ELDER RIGHTS SERVICES**SEC. 601. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.**

The Act (42 U.S.C. 3001 et seq.) is amended by adding at the end the following new title:

"TITLE VII—GRANTS TO STATES FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES**"PART A—GENERAL PROVISIONS****"SEC. 701. ESTABLISHMENT.**

"The Commissioner, acting through the Administration, shall establish and carry out a program for making allotments to States to pay for the Federal share of carrying out the elder rights activities described in parts B through E.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

"(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out part B, \$20,000,000 for fiscal year 1992, \$21,000,000 for fiscal year 1993, \$22,050,000 for fiscal year 1994, and \$23,150,000 for fiscal year 1995.

"(b) PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.—There are authorized to be appropriated to carry out part C, \$10,000,000 for fiscal year 1992, \$10,500,000 for fiscal year 1993, \$11,020,000 for fiscal year 1994, and \$11,570,000 for fiscal year 1995.

"(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out part D, \$10,000,000 for fiscal year 1992, \$10,500,000 for fiscal year 1993, \$11,020,000 for fiscal year 1994, and \$11,570,000 for fiscal year 1995.

"(d) OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out part E, \$15,000,000 for fiscal year 1992, \$15,750,000 for fiscal year 1993, \$16,540,000 for fiscal year 1994, and \$17,360,000 for fiscal year 1995.

"SEC. 703. ALLOTMENT.**"(1) IN GENERAL.—**

"(a) POPULATION.—In carrying out the program described in section 701, the Commissioner shall initially allot to each State, from the funds appropriated under section 702 for each fiscal year, an amount that bears the same ratio to the funds as the population age 60 and older in the State bears to the population age 60 and older in all States.

"(2) MINIMUM ALLOTMENTS.—

"(A) IN GENERAL.—After making the initial allotments described in paragraph (1), the Commissioner shall adjust the allotments in accordance with subparagraphs (B) and (C).

"(B) GENERAL MINIMUM ALLOTMENTS.—

"(i) MINIMUM ALLOTMENT FOR STATES.—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made.

"(ii) MINIMUM ALLOTMENT FOR TERRITORIES.—Guam, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 702 for the fiscal year for which the determination is made.

"(C) MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.—

"(i) OMBUDSMAN PROGRAM.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(a), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under title III.

"(ii) ELDER ABUSE PROGRAMS.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(b), less than the

amount allotted to the State under section 304 in fiscal year 1991 to carry out programs with respect to the prevention of abuse, neglect, and exploitation of older individuals under title III.

"(D) DEFINITION.—For the purposes of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(b) REALLOTMENT.—

"(1) IN GENERAL.—If the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Commissioner shall make the amount available to a State that the Commissioner determines will be able to use the amount for carrying out the purpose.

"(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this title, be regarded as part of the allotment of the State (as determined under subsection (a)) for the year, but shall remain available until the end of the succeeding fiscal year.

"(c) WITHHOLDING.—If the Commissioner finds that any State has failed to qualify under the State plan requirements of section 705, the Commissioner shall withhold the allotment of funds to the State. The Commissioner shall disburse the funds withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of the State submitting an approved plan under section 705, which includes an agreement that any such payment shall be matched, in the proportion determined under subsection (d) for the State, by funds or in-kind resources from non-Federal sources.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the costs of carrying out the elder rights activities described in parts B through E is 85 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the costs shall be in cash or in kind. In determining the amount of the non-Federal share, the Commissioner may attribute fair market value to services and facilities contributed from non-Federal sources.

"SEC. 704. ORGANIZATION.

"In order for a State to be eligible to receive allotments under this title—

"(1) the State shall demonstrate eligibility under section 305;

"(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 305; and

"(3) any area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 305.

"SEC. 705. STATE PLAN.

"(a) ELIGIBILITY.—In order to be eligible to receive allotments under this title, a State shall submit a State plan to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require. At a minimum, the State plan shall contain—

"(1) an assurance that the State, in carrying out any part of this title for which the State receives funding under this title, will establish programs in accordance with the requirements of this title;

"(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, and other interested parties regarding programs carried out under this title;

"(3) an assurance that the State has submitted, or will submit, a State plan in accordance with section 307;

"(4) an assurance that the State, in consultation with area agencies on aging, will identify

and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

"(5) an assurance that the State will use funds made available under this title for a part in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this title, to carry out the elder rights activities described in the part;

"(6) an assurance that the State agrees to pay, with non-Federal funds, 15 percent of the cost of the carrying out each part of this title; and

"(7) an assurance that the State will place no restrictions, other than the requirements specified in section 712(a)(5)(C), on the eligibility of agencies or organizations for designation as local Ombudsman entities under section 712(a)(5).

"(b) APPROVAL.—The Commissioner shall approve any State plan that the Commissioner finds fulfills the requirements of subsection (a).

"(c) NOTICE AND OPPORTUNITY FOR HEARING.—The Commissioner shall not make a final determination disapproving any State plan, or any modification of the plan, or make a final determination that a State is ineligible under section 704, without first affording the State reasonable notice and opportunity for a hearing.

"(d) NONELIGIBILITY OR NONCOMPLIANCE.—

"(1) FINDING.—The Commissioner shall take the action described in paragraph (2) if the Commissioner, after reasonable notice and opportunity for a hearing to the State agency, finds that—

"(A) the State is not eligible under section 704;

"(B) the State plan has been so changed that the plan no longer complies substantially with the provisions of subsection (a); or

"(C) in the administration of the plan there is a failure to comply substantially with a provision of subsection (a).

"(2) WITHHOLDING AND LIMITATION.—If the Commissioner makes the finding described in paragraph (1) with respect to a State agency, the Commissioner shall notify the State agency, and shall—

"(A) withhold further payments to the State from the allotments of the State under section 703; or

"(B) in the discretion of the Commissioner, limit further payments to the State to projects under or portions of the State plan not affected by the ineligibility or noncompliance, until the Commissioner is satisfied that the State will no longer be ineligible or fail to comply.

"(3) DISBURSEMENT.—The Commissioner shall, in accordance with regulations prescribed by the Commissioner, disburse funds withheld or limited under paragraph (2) directly to any public or nonprofit private organization or agency or political subdivision of the State that submits an approved plan in accordance with the provisions of this section. Any such payment shall be matched in the proportions specified in section 703(d).

"(e) APPEAL.—**"(1) FILING.—**

"(A) IN GENERAL.—A State that is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with the court not later than 30 days after the final action. A copy of the petition shall be transmitted by the clerk of the court to the Commissioner, or any officer designated by the Commissioner for the purpose.

"(B) RECORD.—On receipt of the petition, the Commissioner shall file in the court the record of the proceedings on which the action of the

Commissioner is based, as provided in section 2112 of title 28, United States Code.

"(2) PROCEDURE.—

"(A) REMEDY.—On the filing of a petition under paragraph (1), the court described in paragraph (1) shall have jurisdiction to affirm the action of the Commissioner or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Commissioner may modify or set aside the order of the Commissioner.

"(B) SCOPE OF REVIEW.—The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence. If the court remands the case, the Commissioner shall, within 30 days, file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(C) FINALITY.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(3) STAY.—The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the action of the Commissioner.

"(f) PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.

"SEC. 706. ADMINISTRATION.

"(a) AGREEMENTS.—In carrying out the elder rights activities described in parts B through E, a State agency may, either directly or through a contract or agreement, enter into agreements with public or private nonprofit agencies or organizations, such as—

- "(1) other State agencies;
- "(2) area agencies on aging;
- "(3) county governments;
- "(4) universities and colleges;
- "(5) Indian tribes; and
- "(6) other statewide or local nonprofit service providers or volunteer organizations.

"(b) TECHNICAL ASSISTANCE.—

"(1) OTHER AGENCIES.—In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of such agencies and departments of the Federal Government as may be appropriate.

"(2) COMMISSIONER.—The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to programs established under this title and to individuals designated under the programs to be representatives of the programs.

"SEC. 707. AUDITS.

"(a) ACCESS.—The Commissioner and the Comptroller General of the United States and any of the duly authorized representatives of the Commissioner or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"(b) LIMITATION.—State agencies and area agencies on aging shall not request information or data from providers that is not pertinent to services furnished in accordance with this title or a payment made for the services."

SEC. 602. OMBUDSMAN PROGRAMS.

Title VII (as added by section 601 of this Act) is amended by adding at the end the following new part:

"PART B—OMBUDSMAN PROGRAMS

"SEC. 711. DEFINITIONS.

"As used in this part:

"(1) OFFICE.—The term 'Office' means the office established in section 712(a)(1)(A).

"(2) OMBUDSMAN.—The term 'Ombudsman' means the individual described in section 712(a)(2).

"(3) PROGRAM.—The term 'program' means the State Long-Term Care Ombudsman program established in section 712(a)(1)(B).

"(4) REPRESENTATIVE.—The term 'representative' includes an employee or volunteer who represents an entity designated under section 712(a)(5) and who is individually designated by the Ombudsman.

"SEC. 712. STATE LONG-TERM CARE OMBUDSMAN PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(a), a State agency shall, in accordance with this section—

"(A) establish and operate an Office of the State Long-Term Care Ombudsman; and

"(B) carry out through the Office a State Long-Term Care Ombudsman program.

"(2) OMBUDSMAN.—The Office shall be headed by an individual, to be known as the State Long-Term Care Ombudsman, who shall be selected from among individuals described in section 201(d)(3).

"(3) FUNCTIONS.—The Ombudsman shall serve on a full-time basis, and shall, directly or through representatives of the Office—

"(A) identify, investigate, and resolve complaints that—

"(i) are made by, or on behalf of, older individuals who are residents of long-term care facilities; and

"(ii) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the residents (including the welfare and rights of such residents with respect to the appointment and activities of guardians and representative payees), of—

"(I) providers, or representatives of providers, of long-term care services;

"(II) public agencies; or

"(III) health and social service agencies;

"(B) provide services to assist the residents in protecting the health, safety, welfare, and rights of the residents;

"(C) inform the residents about means of obtaining services described in subparagraphs (A) and (B);

"(D) ensure that the residents have regular and timely access to the services provided through the Office and that residents and complainants receive timely responses to complaints from representatives of the Office;

"(E) represent the interests of residents before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

"(F) provide administrative and technical assistance to entities designated under paragraph (5) to assist the entities in participating in the program;

"(G)(i) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other governmental policies and actions, that pertain to the health, safety, welfare, and rights of the residents, with respect to the adequacy of long-term care facilities and services in the State;

"(ii) recommend any changes in such laws, regulations, policies and actions that the Office determines to be appropriate; and

"(iii) facilitate public comment on the laws, regulations, policies, and actions;

"(H)(i) provide for training representatives of the Office;

"(ii) promote the development of citizen organizations, to participate in the program; and

"(iii) provide technical support for the development of resident and family councils to pro-

tect the well-being and rights of residents of long-term care facilities; and

"(I) carry out such other activities as the Commissioner determines to be appropriate.

"(4) CONTRACTS AND ARRANGEMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the State agency may establish and operate the office, and carry out the program, directly, or by contract or other arrangement with any public agency or other eligible private nonprofit organization.

"(B) LICENSING AND CERTIFICATION ORGANIZATIONS; ASSOCIATIONS.—The State agency may not enter into the contract or other arrangement described in subparagraph (A) with—

"(i) an agency or organization that is responsible for licensing or certifying long-term care services in the State; or

"(ii) an association (or an affiliate of such an association) of long-term care facilities (including any other residential facility for older individuals).

"(5) DESIGNATION OF AREA OR LOCAL OMBUDSMAN ENTITIES AND REPRESENTATIVES.—

"(A) DESIGNATION.—In carrying out the duties of the Office, the Ombudsman may designate an entity as an area or local Ombudsman entity, and may designate an employee or volunteer to represent the entity.

"(B) DUTIES.—An individual so designated shall, in accordance with the policies and provisions established by the Office and the State agency—

"(i) provide services to protect the health, safety, welfare and rights of residents of long-term care facilities;

"(ii) ensure that residents of long-term care facilities in the service areas of the entity have regular, timely access to representatives of the program and timely responses to complaints and requests for assistance;

"(iii) identify, investigate, and resolve complaints made by or on behalf of residents of long-term care facilities that relate to action, inaction, or decisions that may adversely affect the health, safety, welfare, or rights of the residents;

"(iv) represent the interests of residents before government agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the residents;

"(v)(I) review, and if necessary, comment on any existing and proposed laws, regulations, and other government policies and actions, that pertain to the rights and well-being of residents of long-term care facilities; and

"(II) facilitate the ability of the public to comment on the laws, regulations, policies, and actions;

"(vi) support the development of resident and family councils; and

"(vii) carry out other activities that the Ombudsman determines to be appropriate.

"(C) ELIGIBILITY FOR DESIGNATION.—Area or local entities eligible to be designated as Ombudsman entities, and persons eligible to be designated as representatives, shall—

"(i) have demonstrated capability to carry out the responsibilities of the Office;

"(ii) be free of conflicts of interest;

"(iii) in the case of the entities, be public or private not-for-profit entities; and

"(iv) meet such additional requirements as the Ombudsman may specify.

"(D) POLICIES AND PROCEDURES.—

"(i) IN GENERAL.—The State agency shall establish, in accordance with the Office, policies and procedures for monitoring area and local Ombudsman entities designated as subdivisions of the Office under subparagraph (A).

"(ii) POLICIES.—In a case in which the entities are grantees or employees of area agencies on aging, the State agency will develop the policies in consultation with the area agencies on

aging. The policies shall provide for participation and comment by the agencies and for resolution of concerns with respect to case activity.

"(iii) CONFIDENTIALITY AND DISCLOSURE.—The State agency shall develop the policies and procedures in accordance with all provisions of this title regarding confidentiality and conflict of interest.

"(b) PROCEDURES FOR ACCESS.—

"(1) IN GENERAL.—The State shall ensure that representatives of the Office shall have—

"(A) immediate access to long-term care facilities and the residents of the facilities;

"(B)(i) appropriate access to review the medical and social records of a resident, if—

"(I) the representative has the permission of a resident, or the legal representative of a resident; or

"(II) a resident is unable to consent to the review and has no legal representative; or

"(ii) such access to the records as is necessary to investigate a complaint, if—

"(I) a legal guardian of a resident refuses to give the permission;

"(II) a representative of the Office has reasonable cause to believe that the guardian is not acting in the best interests of the resident; and

"(III) the representative obtains the approval of the Ombudsman;

"(C) access to the administrative records, policies, and documents, to which all residents or the general public have access, of long-term care facilities; and

"(D) access to and, on request, copies of all licensing and certification records maintained by the State with respect to long-term care facilities.

"(2) PROCEDURES.—The State agency shall establish procedures to ensure the access described in paragraph (1).

"(c) REPORTING SYSTEM.—The State agency shall establish a statewide uniform reporting system to—

"(1) collect and analyze data relating to complaints and conditions in long-term care facilities or to residents of the facilities for the purpose of identifying and resolving significant problems; and

"(2) submit the data, on a regular basis, to—

"(A) the agency of the State responsible for licensing or certifying long-term care facilities in the State;

"(B) other State and Federal entities that the Ombudsman determines to be appropriate; and

"(C) the Commissioner.

"(d) DISCLOSURE.—

"(1) IN GENERAL.—The State agency shall establish procedures for the disclosure of program files, and of records described in subsection (b)(1), that are maintained by the program.

"(2) IDENTITY OF COMPLAINANT OR RESIDENT.—The procedures described in paragraph (1) shall—

"(A) provide that, subject to subparagraph (B), the files and records described in paragraph (1) may be disclosed only at the discretion of the Ombudsman (or the person designated by the Ombudsman to disclose the files and records); and

"(B) prohibit the disclosure of the identity of any complainant or resident of a long-term care facility with respect to whom the Office maintains such files or records unless—

"(i) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing;

"(ii) in a case in which the complainant or resident is mentally competent and unable to provide written consent due to physical infirmity or other extreme circumstance—

"(I) the complainant or resident gives consent orally; and

"(II) the consent is documented contemporaneously in a writing made by a representative of

the Office and reported in writing to the Ombudsman as soon as practicable; or

"(iii) the disclosure is required by court order.

"(e) CONSULTATION.—In planning and operating the program, the State agency shall consider the views of area agencies on aging, older individuals, and provider entities.

"(f) CONFLICT OF INTEREST.—The State agency shall—

"(1) ensure that no individual, or member of the immediate family of an individual, involved in the designation of the Ombudsman (whether by appointment or otherwise) or the designation of an entity designated under subsection (a)(5), is subject to a conflict of interest;

"(2) ensure that no officer, employee, or other representative of the Office, or member of the immediate family of the officer, employee, or other representative of the Office, is subject to a conflict of interest; and

"(3) establish, and specify in writing, mechanisms to identify and remove conflicts of interest referred to in paragraphs (1) and (2), including such mechanisms as—

"(A) the methods by which the State agency will examine individuals, and immediate family members, to identify the conflicts; and

"(B) the actions that the State agency will require the individuals and such family members to take to remove such conflicts.

"(g) LEGAL COUNSEL.—The State agency shall ensure that—

"(1)(A) adequate legal counsel is available, and is able, without conflict of interest, to—

"(i) provide advice and consultation needed to protect the health, safety, welfare, and rights of residents of long-term care facilities; and

"(ii) assist the Ombudsman and representatives of the Office in the performance of the official duties of the Ombudsman and representatives; and

"(B) legal representation is provided to any representative of the Office against whom suit or other legal action is brought or threatened to be brought in connection with the performance of the official duties of the Ombudsman or such a representative; and

"(2) the Office pursues administrative, legal, and other appropriate remedies on behalf of residents of long-term care facilities.

"(h) ADMINISTRATION.—The State agency shall require the Office to—

"(1) prepare an annual report—

"(A) describing the activities carried out by the Office in the year for which the report is prepared;

"(B) containing and analyzing the data collected under subsection (c);

"(C) evaluating the problems experienced by, and the complaints made by or on behalf of, residents of long-term care facilities;

"(D) containing recommendations for—

"(i) improving quality of the care and life of the residents; and

"(ii) protecting the health, safety, welfare, and rights of the residents;

"(E)(i) analyzing the success of the program including success in providing services to residents of board and care facilities and other similar adult care homes; and

"(ii) identifying barriers that prevent the optimal operation of the program; and

"(F) providing policy, regulatory, and legislative recommendations to solve identified problems, to resolve the complaints, to improve the quality of care and life of the residents, to protect the health, safety, welfare, and rights of the residents, and to remove the barriers;

"(2) analyze, comment on, and monitor the development and implementation of Federal, State, and local laws, regulations, and other government policies and actions that pertain to long-term care facilities and services, and to the health, safety, welfare, and rights of the resi-

dents, in the State, and recommend any changes in such laws, regulations, and policies as the Office determines to be appropriate;

"(3)(A) provide such information as the Office determines to be necessary to public and private agencies, legislators, and other persons, regarding—

"(i) the problems and concerns of older individuals residing in long-term care facilities; and

"(ii) recommendations related to the problems and concerns; and

"(B) make available to the public, and submit to the Commissioner, the chief executive officer of the State, the State legislature, the State agency responsible for licensing or certifying long-term care facilities, and other appropriate governmental entities, each report prepared under paragraph (1);

"(4)(A) not later than January 1, 1993, establish procedures for the training of the representatives of the Office, including unpaid volunteers, based on model standards developed by the National Ombudsman Resource Center established under section 202(a)(21), in consultation with representatives of citizen groups, long-term care providers, and the Office, that—

"(i) specify a minimum number of hours of initial training;

"(ii) specify the content of the training, including training relating to—

"(I) Federal, State, and local laws, regulations, and policies, with respect to long-term care facilities in the State;

"(II) investigative techniques; and

"(III) such other matters as the State determines to be appropriate; and

"(iii) specify an annual number of hours of in-service training for all designated representatives; and

"(B) require implementation of the procedures effective October 1, 1993;

"(5) prohibit any representative of the Office (other than the Ombudsman) from carrying out any activity described in subparagraphs (A) through (G) of subsection (a)(3) unless the representative—

"(A) has received the training required under subsection (h)(4); and

"(B) has been approved by the Ombudsman as qualified to carry out the activity on behalf of the Office.

"(6) coordinate ombudsman services with the protection and advocacy systems for individuals with developmental disabilities and mental illnesses established under—

"(A) part A of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001 et seq.); and

"(B) the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.);

"(7) coordinate, to the greatest extent possible, ombudsman services with legal assistance services provided under section 306(a)(2)(C), through adoption of memoranda of understanding and other means; and

"(8) include any area or local Ombudsman entity designated by the Ombudsman under subsection (a)(5) as a subdivision of the Office.

"(i) LIABILITY.—The State shall ensure that no representative of the Office will be liable under State law for the good faith performance of official duties.

"(j) NONINTERFERENCE.—The State shall—

"(1) ensure that willful interference with representatives of the Office in the performance of the official duties of the representatives (as defined by the Commissioner) shall be unlawful;

"(2) prohibit retaliation and reprisals by a long-term care facility or other entity with respect to any resident, employee, or other person for filing a complaint with, providing information to, or otherwise cooperating with any representative of, the Office; and

"(3) provide for appropriate sanctions with respect to the interference, retaliation, and reprisals.

"SEC. 713. REGULATIONS.

"The Commissioner shall issue and periodically update regulations respecting conflicts of interest by persons described in paragraphs (1) and (2) of section 712(f)."

SEC. 603. PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.

(a) **PURPOSE.**—The purpose of this section is to assist States in the design, development, and coordination of comprehensive services of the State and local levels to prevent, treat, and remedy elder abuse, neglect, and exploitation.

(b) **PROGRAMS.**—Title VII (as added by section 601, and amended by section 602, of this Act) is amended by adding at the end the following new part:

"PART C—PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION

"SEC. 721. PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.

"(a) **ESTABLISHMENT.**—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(b), a State agency shall, in accordance with this section, and in consultation with area agencies on aging, develop and enhance programs for the prevention of abuse, neglect, and exploitation of older individuals.

"(b) **USE OF ALLOTMENTS.**—The State agency shall use an allotment made under subsection (a) to carry out, through the programs described in subsection (a), activities to develop, strengthen, and carry out programs for the prevention and treatment of elder abuse, neglect, and exploitation, including—

"(1) providing for public education and outreach to identify and prevent abuse, neglect, and exploitation of older individuals;

"(2) ensuring the coordination of services provided by area agencies on aging with services instituted under the State adult protection service program;

"(3) promoting the development of information and data systems, including elder abuse reporting systems, to quantify the extent of elder abuse, neglect, and exploitation in the State;

"(4) conducting analysis of State information concerning elder abuse, neglect, and exploitation and identifying unmet service, enforcement, or intervention needs;

"(5) conducting training for individuals, professionals, and paraprofessionals, in relevant fields on the identification, prevention, and treatment of elder abuse, neglect, and exploitation, with particular focus on prevention and enhancement of self-determination and autonomy;

"(6) providing technical assistance to programs that provide or have the potential to provide services for victims of abuse, neglect, and exploitation and for family members of the victims;

"(7) conducting special and on-going training, for individuals involved in serving victims of abuse, neglect, and exploitation, on the topics of self-determination, individual rights, State and Federal requirements concerning confidentiality, and other topics determined to be a State agency to be appropriate; and

"(8) promoting the development of an elder abuse, neglect, and exploitation system—

"(A) that includes a State elder abuse, neglect, and exploitation law that includes provisions for immunity, for persons reporting instances of elder abuse, neglect, and exploitation, from prosecution arising out of such reporting, under any State or local law;

"(B) under which a State agency—

"(i) on receipt of a report of known or suspected instances of elder abuse, neglect, or ex-

ploitation, shall promptly initiate an investigation to substantiate the accuracy of the report; and

"(ii) on a finding of abuse, neglect, or exploitation, shall take steps, including appropriate referral, to protect the health and welfare of the abused, neglected, or exploited elder;

"(C) that includes, throughout the State, in connection with the enforcement of elder abuse, neglect, and exploitation laws and with the reporting of suspected instances of elder abuse, neglect, and exploitation—

"(i) such administrative procedures;

"(ii) such personnel trained in the special problems of elder abuse, neglect, and exploitation prevention and treatment;

"(iii) such training procedures;

"(iv) such institutional and other facilities (public and private); and

"(v) such related multidisciplinary programs and services,

as may be necessary or appropriate to ensure that the State will deal effectively with elder abuse, neglect, and exploitation cases in the State;

"(D) that preserves the confidentiality of records in order to protect the rights of elders;

"(E) that provides for the cooperation of law enforcement officials, courts of competent jurisdiction, and State agencies providing human services with respect to special problems of elder abuse, neglect, and exploitation;

"(F) that enables an elder to participate in decisions regarding the welfare of the elder, and makes the least restrictive alternatives available to an elder who is abused, neglected, or exploited; and

"(G) that includes a State clearinghouse for dissemination of information to the general public with respect to—

"(i) the problems of elder abuse, neglect, and exploitation;

"(ii) the facilities; and

"(iii) prevention and treatment methods available to combat instances of elder abuse, neglect, and exploitation.

"(c) **APPROACH.**—In developing and enhancing programs under subsection (a), the State agency shall use a comprehensive approach, in consultation with area agencies on aging, to identify and assist older individuals who are subject to abuse, neglect, and exploitation, including older individuals who live in State licensed facilities, unlicensed facilities, or domestic or community-based settings.

"(d) **COORDINATION.**—In developing and enhancing programs under subsection (a), the State agency shall coordinate the programs with other State and local programs and services for the protection of vulnerable adults, particularly vulnerable older individuals, including programs and services such as—

"(1) area agency on aging programs;

"(2) adult protective service programs;

"(3) the State Long-Term Care Ombudsman program established in part B;

"(4) protection and advocacy programs;

"(5) facility and other long-term care provider licensure and certification programs;

"(6) Medicaid fraud and abuse services;

"(7) victim assistance programs; and

"(8) consumer protection and law enforcement programs, as well as other State and local programs that identify and assist vulnerable older individuals.

"(e) **REQUIREMENTS.**—In developing and enhancing programs under subsection (a), the State agency shall—

"(1) not permit involuntary or coerced participation in such programs by alleged victims, abusers, or members of their households;

"(2) require that all information gathered in the course of receiving a report described in subsection (b)(8)(B)(i), and making a referral de-

scribed in subsection (b)(8)(B)(ii), shall remain confidential unless—

"(A) all parties to such complaint or report consent in writing to the release of such information; or

"(B) the release of such information is to a law enforcement agency, public protective service agency, licensing or certification agency, ombudsman program, or protection or advocacy system; and

"(3) make all reasonable efforts to resolve any conflicts with other public agencies with respect to confidentiality of the information described in paragraph (2) by entering into memoranda of understanding that narrowly limit disclosure of information, consistent with the requirements described in paragraph (2)."

SEC. 604. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAMS.

Title VII (as added by section 601, and amended by sections 602 and 603(b), of this Act) is further amended by adding at the end the following new part:

"PART D—STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM

"SEC. 731. STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT.

"(a) **ESTABLISHMENT.**—

"(1) **IN GENERAL.**—In order to be eligible to receive an allotment under section 703 from funds appropriated under section 702(c), a State agency shall, in accordance with this section and in consultation with area agencies on aging, establish a program to provide leadership for expanding the quality and quantity of legal and advocacy assistance as a means for ensuring a comprehensive elder rights system.

"(2) **FOCUS.**—In carrying out the program established under this part, the State agency shall coordinate area agencies on aging and other entities in the State that assist older individuals in—

"(A) understanding the rights of the individuals;

"(B) exercising choice;

"(C) benefiting from services and opportunities promised by law;

"(D) maintaining rights consistent with the capacity of the individuals; and

"(E) solving disputes using the most efficient and appropriate methods for representation and assistance.

"(b) **FUNCTIONS.**—In carrying out this part, the State agency shall—

"(1) establish a focal point for elder rights policy review, analysis, and advocacy at the State level, including such issues as guardianship, age discrimination, pension and health benefits, insurance, consumer protection, surrogate decisionmaking, protective services, public benefits, and dispute resolutions;

"(2) provide a State legal assistance developer and other personnel sufficient to ensure—

"(A) State leadership in securing and maintaining legal rights of older individuals;

"(B) capacity for coordinating the provision of legal assistance; and

"(C) capacity to provide technical assistance, training and other supportive functions to area agencies on aging, legal assistance providers, ombudsmen, and other persons as appropriate;

"(3)(A) develop, in conjunction with area agencies on aging and legal assistance providers, statewide standards for the delivery of legal assistance to older individuals; and

"(B) provide technical assistance to area agencies on aging and legal assistance providers to enhance and monitor the quality and quantity of legal assistance to older individuals, including technical assistance in developing plans for targeting services to reach the individuals with greatest economic and social need (with particular attention to low-income minority individuals);

"(4) provide consultation to, and ensure, the coordination of activities with the legal assistance services provided under title III, services provided by the Legal Service Corporation, and services provided under parts B, C, and E, as well as other State or Federal programs administered at the State and local levels that address the legal assistance needs of older individuals;

"(5) provide for the education and training of professionals, volunteers, and older individuals concerning elder rights, the requirements and benefits of specific laws, and methods for enhancing the coordination of services;

"(6) promote, and provide as appropriate, education and training for individuals who are or might become guardians or representative payees of older individuals, including information on—

"(A) the powers and duties of guardians or representative payees; and

"(B) alternatives to guardianship;

"(7) promote the development of, and provide technical assistance concerning, pro bono legal assistance programs, State and local bar committees on aging, legal hot lines, alternative dispute resolution, aging law curricula in law schools and other appropriate educational institutions, and other methods to expand access by older individuals to legal assistance and other advocacy and elder rights services;

"(8) provide for periodic assessments of the status of elder rights in the State, including analysis—

"(A) of the unmet need for assistance in resolving legal problems and benefits-related problems, methods for expanding advocacy services, the status of substitute decisionmaking systems and services (including systems and services regarding guardianship, representative payeeship, and advance directives), access to courts and the justice system, and the implementation of civil rights and age discrimination laws in the State; and

"(B) of problems and unmet needs identified in programs established under title III and other programs; and

"(9) develop working agreements with—

"(A) State entities, including the consumer protection agency, the court system, the attorney general, the State equal employment opportunity commission, and other appropriate State agencies and entities; and

"(B) Federal entities, including the Social Security Administration and the Veterans' Administration, and other appropriate entities, for the purpose of identifying elder rights services provided by the entities, and coordinating services with programs established under title III and parts B, C, and E of the title."

SEC. 605. OUTREACH, COUNSELING, AND ASSISTANCE PROGRAMS.

(a) PURPOSE.—The purpose of this section is to provide outreach, counseling, and assistance in order to assist older individuals in obtaining benefits under—

(1) public and private health insurance, long-term care insurance, and life insurance programs; and

(2) public benefit programs to which the individuals are entitled, including benefits under the supplemental security income, medicaid, medicare, food stamp, and low-income home energy assistance programs.

(b) PROGRAM.—Title VII (as added by section 601, and amended by sections 602, 603(b), and 604, of this Act) is amended by adding at the end the following new part:

"PART E—OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM

"SEC. 741. STATE OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM FOR INSURANCE AND PUBLIC BENEFIT PROGRAMS.

"(a) DEFINITIONS.—As used in this section:

"(1) INSURANCE PROGRAM.—The term 'insurance program' means—

"(A) the medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

"(B) the medicaid program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); or

"(C) another public or private insurance program.

"(2) MEDICARE SUPPLEMENTAL POLICY.—The term 'medicare supplemental policy' has the meaning given the term in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss(g)(1)).

"(3) PENSION PLAN.—The term 'pension plan' means an employee pension benefit plan, as defined in section 3(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(2)).

"(4) PUBLIC BENEFIT PROGRAM.—The term 'public benefit program' means—

"(A) the Federal Old-Age, Survivors, and Disability Insurance Benefits programs under title II of the Social Security Act (42 U.S.C. 401 et seq.);

"(B) the medicare program established under title XVIII of the Social Security Act;

"(C) the medicaid program established under title XIX of the Social Security Act;

"(D) the program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

"(E) the program established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.);

"(F) the supplemental security income program established under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

"(G) with respect to a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act (42 U.S.C. 1396d(p)), the medicare program described in title XVIII of the Social Security Act; or

"(H) another public benefit program.

"(5) STATE INSURANCE ASSISTANCE PROGRAM.—The term 'insurance assistance program' means the program established under subsection (b)(1).

"(6) STATE PUBLIC BENEFIT ASSISTANCE PROGRAM.—The term 'public benefit assistance program' means the program established under subsection (b)(2).

"(b) ESTABLISHMENT.—In order to receive an allotment under section 703 from funds appropriated under section 702(d), a State agency shall, in coordination with area agencies on aging and in accordance with this section, establish—

"(1) a program to provide to older individuals outreach, counseling, and assistance related to obtaining benefits under an insurance program; and

"(2) a program to provide outreach, counseling, and assistance to older individuals who may be eligible for, but who are not receiving, benefits under a public benefit program, including benefits as a qualified medicare beneficiary, as defined in section 1905(p) of the Social Security Act.

"(c) INSURANCE AND PUBLIC BENEFITS PROGRAMS.—The State agency shall—

"(1) in carrying out a State insurance assistance program—

"(A) provide information and counseling to assist older individuals—

"(i) in filing claims and obtaining benefits under title XVIII and title XIX of the Social Security Act;

"(ii) in comparing medicare supplemental policies and in filing claims and obtaining benefits under such policies;

"(iii) in comparing long-term care insurance policies and in filing claims and obtaining benefits under such policies;

"(iv) in comparing other types of health insurance policies not described in clause (iii) and in filing claims and obtaining benefits under such policies;

"(v) in comparing life insurance policies and in filing claims and obtaining benefits under such policies;

"(vi) in comparing other forms of insurance policies not described in clause (v) and in filing claims and obtaining benefits under such policies as determined necessary; and

"(vii) in comparing current and future health and post-retirement needs related to pension plans, and the relationship of such plans to insurance and public benefit programs;

"(B) establish a system of referrals to appropriate providers of legal assistance, and to appropriate agencies of the Federal or State government regarding the problems of older individuals related to health and other forms of insurance and public benefits programs;

"(C) give priority to providing assistance to older individuals with the greatest economic need;

"(D) ensure that services provided under the program will be coordinated with programs established under parts B, C, and D of this title, and under title III;

"(E) provide for adequate and trained staff (including volunteers) necessary to carry out the program;

"(F) ensure that staff (including volunteers) of the agency and of any agency or organization described in subsection (d) will not be subject to a conflict of interest in providing services under the program;

"(G) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to insurance and public benefits programs;

"(H) provide for the coordination of information on insurance programs between the staff of departments and agencies of the State government and the staff (including volunteers) of the program; and

"(I) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, health or other insurance; and

"(2) in carrying out a State public benefits assistance program—

"(A) carry out activities to identify older individuals with the greatest economic need who may be eligible for, but who are not receiving, benefits or assistance under a public benefits program;

"(B) conduct outreach activities to inform older individuals of the requirements for eligibility to receive such assistance and such benefits;

"(C) assist older individuals in applying for such assistance and such benefits;

"(D) establish a system of referrals to appropriate providers of legal assistance, or to appropriate agencies of the Federal or State government regarding the problems of older individuals related to public benefit programs;

"(E) comply with the requirements specified in subparagraphs (C) through (F) of paragraph (1) with respect to the State public benefits assistance program;

"(F) provide for the collection and dissemination of timely and accurate information to staff (including volunteers) related to public benefits programs;

"(G) provide for the coordination of information on public benefits programs between the staff of departments and agencies of the State government and the staff (including volunteers) of the State public benefits assistance program; and

"(H) make recommendations related to consumer protection that may affect individuals eligible for, or receiving, benefits under a public benefits program.

"(d) ADMINISTRATION.—The State agency may operate the State insurance and State public benefits assistance programs directly, in co-

operation with other State agencies, or under an agreement with a statewide nonprofit organization, area agency on aging, or another public, or nonprofit agency or organization.

(e) MAINTENANCE OF EFFORT.—Any funds appropriated for the activities under this part shall supplement, and shall not supplant, funds that are expended for similar purposes under any Federal, State, or local insurance or public benefits program.

(f) COORDINATION.—A State that receives an allotment under section 703 and receives a grant under section 4360 of the Omnibus Reconciliation Act of 1990 (42 U.S.C. 1395b-4) to provide services in accordance with the section shall coordinate the services with activities provided by the State agency through the programs described in paragraphs (1) and (2) of subsection (b)."

SEC. 606. TECHNICAL AND CONFORMING AMENDMENTS.

(a) OMBUDSMAN PROGRAM.—

(1) SOCIAL SECURITY ACT.—

(A) Section 1819 of the Social Security Act (42 U.S.C. 1395i-3) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(B) Section 1919 of the Social Security Act (42 U.S.C. 1396f) is amended in subsections (c)(2)(B)(iii)(II) and (g)(5)(B) by striking "established under section 307(a)(12) of the Older Americans Act of 1965" and inserting "established under title III or VII of the Older Americans Act of 1965 in accordance with section 712 of the Act".

(2) OLDER AMERICANS ACT OF 1965.—

(A) Section 207(b) (42 U.S.C. 3018(b)) is amended—

(i) in paragraph (1)(A), by striking "by section 307(a)(12)(C)" and inserting "under titles III and VII in accordance with section 712(c)"; and

(ii) in paragraph (3)—

(I) by striking "by section 307(a)(12)(H)(i)" and inserting "under titles III and VII in accordance with section 712(h)(1)"; and

(II) by striking subparagraph (E) and inserting the following new subparagraph:

"(E) each public agency or private organization designated as an Office of the State Long-Term Care Ombudsman under title III or VII in accordance with section 712(a)(4)(A)."

(B) Section 301(c) (42 U.S.C. 3021(c)) is amended by striking "section 307(a)(12), and to individuals designated under such section" and inserting "section 307(a)(12) in accordance with section 712, and to individuals within such programs designated under section 712".

(C) Section 304(d)(1)(C) (42 U.S.C. 3024(d)(1)(C)) is amended by striking "(excluding any amount" and all that follows through "303(a)(3)".

(D) Section 351(4) (42 U.S.C. 30301(4)) is amended by striking "under section 307(a)(12)" and inserting "under titles III and VII in accordance with section 712".

(b) PROGRAMS FOR PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION.—

(1) Section 321(15) (42 U.S.C. 3030d(15)) is amended by striking "clause (16) of section 307(a)" and inserting "part C of title VII".

(2) Section 431(b) (42 U.S.C. 3037(b)) is amended by striking "(other than sections 306(a)(6)(P), 307(a)(12), and 311, and parts E, F, and G)" and inserting "(other than sections 307(a)(12) and 311 and parts E and F)".

(c) OUTREACH PROGRAMS.—

(1) Section 202(a)(20) (42 U.S.C. 3012(a)(20)) is amended by striking "under section 307(a)(31)".

(2) Section 207(c) (42 U.S.C. 3018(c)) is amended—

(A) in the first sentence, by striking "on the evaluations required to be submitted under section 307(a)(31)(D)" and inserting "on the outreach activities supported under this Act"; and

(B) in paragraph (1), by striking "outreach activities supported under section 306(a)(6)(P)" and inserting "the activities".

(3) Section 303(a) (42 U.S.C. 3023(a)) is amended by striking "for purposes other than outreach activities and application assistance under section 307(a)(31)".

(4) Section 307(a)(20)(A) (42 U.S.C. 3027(a)(20)(A)) is amended by striking "sections 306(a)(2)(A) and 306(a)(6)(P)" and inserting "section 306(a)(2)(A)".

TITLE VII—PENSION PROGRAMS

SEC. 701. SHORT TITLE.

This title may be cited as the "Pension Restoration Act of 1991".

SEC. 702. DEFINITIONS.

For purposes of this title—

(1) STATE; UNITED STATES.—The terms "State" and "United States" have the meanings set forth in paragraph (10) of section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

(2) EMPLOYER; PARTICIPANT; BENEFICIARY; NONFORFEITABLE; DEFINED BENEFIT PLAN.—The terms "employer", "participant", "beneficiary", "nonforfeitable", and "defined benefit plan" shall have the same meanings as when used in title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.).

(3) EARLY TERMINATED PLAN.—The term "early terminated plan" means a defined benefit plan with respect to which the Corporation would have been covered under title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.) if the termination date of the plan (as determined by the Corporation) had not occurred before September 2, 1974.

(4) QUALIFIED PARTICIPANT.—The term "qualified participant" means an individual who—

(A) was a participant in an early terminated plan maintained by an employer of such individual,

(B) as of immediately before the termination of the plan had a nonforfeitable right to benefits under the plan, and

(C) has not (and will not) receive from the plan all of the benefits described in subparagraph (B).

(5) QUALIFIED SPOUSE.—The term "qualified spouse" means an individual who is the widow (within the meaning of section 216(c) of the Social Security Act (42 U.S.C. 416(c)) or the widower (within the meaning of section 216(g) of such Act (42 U.S.C. 416(g))) of a qualified participant.

(6) CORPORATION.—The term "Corporation" means the Pension Benefit Guaranty Corporation.

SEC. 703. ENTITLEMENT TO ANNUITY.

(a) ENTITLEMENT OF QUALIFIED PARTICIPANT.—

(1) IN GENERAL.—A qualified participant is entitled, upon approval under this title of an application therefor, to an annuity computed under section 704(a).

(2) COMMENCEMENT.—The annuity of a qualified participant commences on the day after the later of—

(A) the effective date set forth in section 712, or

(B) the date on which the qualified participant attains 65 years of age.

(3) TERMINATION.—The annuity of a qualified participant and the right thereto terminate at the end of the last calendar month preceding the date of the qualified participant's death.

(b) ENTITLEMENT OF QUALIFIED SPOUSE.—

(1) IN GENERAL.—A qualified spouse is entitled, upon approval under this title of an appli-

cation therefor, to an annuity computed under section 704(b).

(2) COMMENCEMENT.—The annuity of a qualified spouse of a qualified participant commences on the latest of—

(A) the effective date set forth in section 712,

(B) the first day of the month in which the qualified participant dies, or

(C) if the qualified participant dies before attaining 65 years of age, the first day of the month in which the qualified participant would have attained such age but for the qualified participant's death.

(3) TERMINATION.—The annuity of a qualified spouse and the right thereto terminate at the end of the last calendar month preceding the date of the qualified spouse's death.

SEC. 704. COMPUTATION OF ANNUITY.

(a) QUALIFIED PARTICIPANT'S ANNUITY.—

(1) IN GENERAL.—The annuity computed under this subsection (relating to a qualified participant) in connection with any early terminated plan is equal to the excess (if any) of—

(A) the product derived by multiplying \$75 by the number of years of service of the qualified participant credited under the plan, over

(B) the annual amount which would be necessary to amortize in level amounts over 10 years any pension benefits under the plan which the qualified participant had a nonforfeitable right to under the plan and which were received (or reasonably may be expected to be received) in connection with the plan.

(2) MAXIMUM ANNUAL AMOUNT.—The annuity computed under paragraph (1) shall in no event exceed \$1,500 per year.

(b) QUALIFIED SPOUSE'S ANNUITY.—

(1) IN GENERAL.—The annuity computed under this subsection (relating to the qualified spouse of a qualified participant) in connection with an early terminated plan is equal to the excess (if any) of—

(A) 50 percent of the amount determined under subparagraph (A) of subsection (a)(1) in connection with such qualified participant, over

(B) the annual amount which would be necessary to amortize in level amounts over 10 years any pension benefits under the plan which the qualified spouse had a nonforfeitable right to under the plan and which were received (or reasonably may be expected to be received) in connection with the plan.

(2) MAXIMUM ANNUAL AMOUNT.—The annuity computed under paragraph (1) shall in no event exceed \$750 per year.

(c) REDUCTION IN ANNUITIES.—

(1) IN GENERAL.—If this subsection applies for any fiscal year, the Corporation may provide for a pro rata reduction for such fiscal year in each annuity computed under subsections (a) and (b) in the amount the Corporation determines necessary.

(2) YEARS TO WHICH SUBSECTION APPLIES.—This subsection shall apply for any fiscal year if the Corporation determines that its long-range actuarial balance for single employer operations as of the close of the preceding fiscal year is not in close actuarial balance. Such determination shall be made in a manner similar to the determination under the Old-Age and Survivors Disability Insurance Trust Funds, except that such determination shall be for no less than 50 years and the actuarial balance shall be deemed not in close actuarial balance if the absolute value of the actuarial balance exceeds 20 percent of the present value of expected future premium receipts.

(3) ACTUARIAL BALANCE.—For purposes of this subsection, in calculating the actuarial balance for single employer operations, the Corporation—

(A) shall include all assets on hand, all assets to be received from terminated plans, all anticipated premium revenues, and all anticipated earnings of the Corporation, and

(B) shall be reduced by all current and future benefit liabilities and administrative expenses.

(4) **REPORTING.**—The Corporation shall report to the appropriate committees of Congress if it determines it is necessary to reduce the amount of the benefits under this section for any fiscal year, and shall include in such report the reasons for such determination.

SEC. 705. APPLICATIONS.

(a) **APPLICATION AND EVIDENCE.**—

(1) **IN GENERAL.**—Each individual seeking an annuity under this title in connection with an early terminated plan shall—

(A) file an application with the Corporation, and

(B) include with such application evidence sufficient to establish that the applicant is a qualified participant or qualified spouse in connection with such plan.

(2) **APPROVAL.**—The Corporation shall approve an application under paragraph (1) only if the evidence included with such application, together with such evidence as the applicant may request the Corporation to consider pursuant to subsection (c), establishes to the satisfaction of the Corporation that the applicant is a qualified participant or a qualified spouse in connection with such plan.

(b) **APPLICATION FORMS.**—The Corporation may by regulation prescribe application forms which may be used by applicants for purposes of subsection (a). Any such forms prescribed by the Corporation shall be made available to the public by the Corporation.

(c) **SPECIFIC MATTERS.**—In considering applications for annuities under this title, the Corporation shall consider, on the request of an applicant or the applicant's representative and in addition to any other relevant evidence—

(1) a comparison of employment and payroll records which were maintained under chapter 21 of the Internal Revenue Code of 1986 (relating to Federal Insurance Contributions Act) or under the Social Security Act (42 U.S.C. 301 et seq.) with records maintained by the Internal Revenue Service relating to the qualification status of trusts forming part of a stock bonus, pension, or profit-sharing plan under part I of subchapter D of chapter 1 of the Internal Revenue Code of 1986 (relating to pension, profit sharing, stock bonus plans, etc.), and

(2) records maintained under the Welfare and Pension Plans Disclosure Act of 1958.

(d) **PROCEDURES FOR INITIAL DETERMINATIONS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, in making initial determinations regarding applications for annuities under this title, the Corporation shall follow the procedures prescribed by the Corporation for—

(A) initial determinations of benefit entitlement of participants and beneficiaries under plans to which section 4021 of the Employee Retirement Income Security Act of 1974 applies, and

(B) determinations of the amount of guaranteed benefits of such participants and beneficiaries under title IV of such Act.

(2) **NOTICES OF DENIAL.**—The Corporation shall send any individual whose application under this title is denied by the Corporation pursuant to an initial determination a written notice of the denial. Such notice shall include the reason for the denial and shall set forth the procedures required to be followed in order to obtain review under this title.

SEC. 706. ADMINISTRATIVE APPEALS.

(a) **IN GENERAL.**—Any individual whose application for an annuity under this title is denied pursuant to an initial determination by the Corporation is entitled to—

(1) a reasonable time, but not less than 60 days after receipt of the written notice of denial described in section 705(d)(2), to request a re-

view by the Corporation and to furnish affidavits and other documentary evidence in support of the request, and

(2) a written decision and the specific reasons therefor at the earliest practicable date.

(b) **PROCEDURES.**—Except as otherwise provided in subsection (a), in reviewing initial determinations regarding applications for annuities under this title, the Corporation shall follow the procedures prescribed by the Corporation for requesting and obtaining administrative review by the Corporation of determinations described in subparagraphs (A) and (B) of section 705(d)(1).

SEC. 707. JUDICIAL REVIEW.

(a) **IN GENERAL.**—Any individual, after any final decision made under section 706, and irrespective of the amount in controversy, may obtain judicial review of the decision by a civil action commenced under this section within 180 days after the mailing to the individual of notice of such decision or within such further time as the Corporation may allow.

(b) **VENUE.**—Any action commenced under this section shall be brought in the district court of the United States for the judicial district in which the plaintiff resides or in the United States District Court for the District of Columbia.

(c) **RECORD.**—As part of any answer by the Corporation, the Corporation shall file a certified copy of the transcript of the record, including the evidence upon which the findings and decision complained of are based.

(d) **JUDGMENT.**—The court shall enter, upon the pleadings and transcript of the record a judgment affirming, modifying, or reversing the decision, with or without remanding the case for a rehearing.

(e) **REMANDED CASES.**—

(1) **AUTHORITY TO REMAND TO THE CORPORATION.**—The court shall, on the motion of the Corporation made before the Corporation files its answer, remand the case to the Corporation for further action by the Corporation. The court may, at any time, on good cause shown, order additional evidence to be taken before the Corporation.

(2) **RECONSIDERATION ON REMAND.**—The Corporation shall, after the case is remanded, and after hearing such additional evidence if so ordered—

(A) modify or affirm the earlier findings of fact or decision, or both, under section 706, and

(B) file with the court any such additional and modified findings of fact and decision, and a transcript of the additional record and testimony upon which the Corporation's action in modifying or affirming was based.

(f) **FINAL JUDGMENT.**—The judgment of the court shall be final except that it shall be subject to review in the same manner as a judgment in other civil actions.

SEC. 708. PAYMENT OF ANNUITIES.

(a) **FORMS OF PAYMENT.**—

(1) **YEARLY PAYMENTS.**—Each annuity payable under this title shall be payable as an annual amount.

(2) **RETROACTIVE LUMP-SUM PAYMENTS.**—Any individual whose claim for an annuity under this title is approved after the date on which the annuity commences under subsection (a)(2) or (b)(2) of section 703 shall be paid the total amount of the annuity payments for periods before the date on which the claim is approved in the form of a lump-sum payment.

(b) **CASES OF INCOMPETENCY.**—Payment due an individual mentally incompetent or under other legal disability may be made to the person who is constituted guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or the claimant's estate.

(c) **DIVORCES, ETC.**—

(1) **ALTERNATIVE PAYEEES.**—Payments under this title which would otherwise be made to a person under this title shall be made (in whole or in part) to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

(2) **NOTIFICATION REQUIREMENTS.**—Paragraph (1) shall only apply to payments made by the Corporation under this title after the date of receipt by the Corporation of written notification of such decree, order, or agreement, and such additional information and documentation as the Corporation may prescribe.

(3) **COURT.**—As used in this subsection, the term "court" means any court of any State.

(d) **INALIENABILITY.**—Amounts payable under this title are not assignable, either in law or equity, or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal law.

(e) **FORGIVENESS.**—Recovery of payments under this title may not be made from an individual in any case in which the Corporation determines that the individual is without fault and recovery would be against equity and good conscience.

SEC. 709. INTERAGENCY COORDINATION AND COOPERATION.

(a) **IN GENERAL.**—The Corporation may make such arrangements or agreements with other departments, agencies, or establishments of the United States for cooperation or mutual assistance in the performance of their respective functions under this title as are necessary and appropriate to avoid unnecessary expense and duplication of functions.

(b) **USE OF FACILITIES.**—The Corporation may use, as appropriate, on a reimbursable or other basis, the facilities or services of any department, agency, or establishment of the United States or of any State or political subdivision thereof, including the services of any of its employees, with the lawful consent of such department, agency, or establishment.

(c) **COOPERATION.**—

(1) **IN GENERAL.**—Each department, agency, or establishment of the United States shall cooperate with the Corporation and, to the extent necessary and appropriate, provide such information and facilities as the Corporation may request for its assistance in the performance of the Corporation's functions under this title.

(2) **AVAILABILITY OF RECORDS FROM THE SECRETARY OF HEALTH AND HUMAN SERVICES.**—The Secretary of Health and Human Services shall provide the Corporation with such records, determined by the Corporation to be necessary to carry out the purposes of this title, as the Corporation may request.

(3) **COORDINATION WITH DISCLOSURE REQUIREMENTS.**—For purposes of administering any law relating to disclosure of confidential information, administration of this title shall be treated in the same manner as the administration of title IV of the Employee Retirement Income Security Act of 1974.

SEC. 710. REGULATIONS.

The Corporation shall, before the effective date set forth in section 712, prescribe the initial regulations necessary to carry out the provisions of this title. Regulations under this title shall be prescribed by the Corporation in consultation, as appropriate, with the Secretary of the Treasury and the Secretary of Health and Human Services.

SEC. 711. PROGRAM FUNDING.

(a) **PAYMENT.**—The Corporation shall use moneys from the appropriate revolving funds es-

established under section 4005 of the Employee Retirement Income Security Act of 1974 to carry out its functions under this title.

(b) **TRANSFERS FROM TRUST FUNDS.**—The Corporation shall transfer to the revolving funds described in subsection (a) from the trust funds consisting of assets of terminated plans and employer liability payments amounts equal to the amounts needed to carry out its functions under this title.

(c) **AMOUNTS DISREGARDED FOR ALLOCATIONS.**—Any amount paid by reason of this Act shall be disregarded in computing any ratio (including the proportional funding ratio) used by the Corporation in allocating amounts from any fund of the Corporation.

SEC. 712. EFFECTIVE DATE.

(a) **GENERAL RULE.**—Except as provided in subsection (b), the provisions of this title shall take effect 60 days after the date of the enactment of this Act.

(b) **SPECIAL RULE.**—The provisions of sections 710 and 711 shall take effect on the date of the enactment of this Act.

TITLE VIII—OTHER PROGRAMS

Subtitle A—Long-Term Health Care Workers

SEC. 801. DEFINITIONS.

As used in this subtitle:

(1) **NURSING HOME NURSE AIDE.**—The term "nursing home nurse aide" means an individual employed at a nursing or convalescent home who assists in the care of patients at such a home under the direction of nursing and medical staff.

(2) **HOME HEALTH CARE AIDE.**—The term "home health care aide" means an individual who—

(A) is employed by a government, charitable, nonprofit, or proprietary agency; and

(B) cares for elderly, convalescent, or handicapped individuals in the home of the individuals by performing routine home assistance (such as housecleaning, cooking, and laundry) and assisting in the health care of such individuals under the direction of a physician or home health nurse.

SEC. 802. INFORMATION REQUIREMENTS.

(a) **NATIONAL CENTER FOR HEALTH STATISTICS.**—The Director of the National Center for Health Statistics of the Centers for Disease Control shall collect, and prepare a report containing—

(1) demographic information on home health care aides and nursing home nurse aides, including information on the—

(A) age, race, marital status, education, number of children and other dependents, gender, and primary language, of the aides; and

(B) location of facilities at which the aides are employed in—

(i) rural communities; or

(ii) urban or suburban communities; and

(2) in particular, information on the role of the aides in providing home-based and community-based long-term care.

(b) **DEPARTMENT OF LABOR.**—The Secretary of Labor shall—

(1) collect, and prepare a report containing, information on home health care aides, including—

(A) information on conditions of employment, including—

(i) the length of employment of the aides with the current employer of the aides;

(ii) the type of employer of the aides (such as a for-profit, private nonprofit, charitable, or government employer, or an independent contractor);

(iii) the number of full-time, part-time, and temporary positions for the aides;

(iv) the ratio of aides to professional staff;

(v) the types of tasks performed by the aides, the level of skill needed to perform the tasks,

and whether the tasks are completed in a home-based or community-based setting; and

(vi) the number of hours worked each week by the aides; and

(B) information on employment benefits for home health care aides, including—

(i) information on health insurance coverage;

(ii) the type of pension plan coverage;

(iii) the amount of vacation leave;

(iv) wage rates; and

(v) the extent of work-related training provided; and

(2) collect, and prepare a report containing, information on nursing home nurse aides, including—

(A) the information described in subparagraphs (A) and (B) of paragraph (1); and

(B) information on—

(i) the type of facility (such as a skilled care or intermediate care facility) of the employer of the aides;

(ii) the number of beds at the facility; and

(iii) the ratio of the aides to residents of the facility.

SEC. 803. REPORTS.

(a) **REPORTS TO COMMISSIONER ON AGING.**—

(1) **TRANSMITTAL.**—

(A) **NATIONAL CENTER FOR HEALTH STATISTICS REPORT.**—Not later than October 1, 1993, the Director of the National Center for Health Statistics of the Centers for Disease Control shall transmit to the Commissioner on Aging the report required by section 802(a).

(B) **DEPARTMENT OF LABOR REPORTS.**—

(i) **HOME HEALTH CARE AIDES.**—Not later than October 1, 1992, the Secretary of Labor shall transmit to the Commissioner on Aging a plan for the collection of the information described in section 802(b)(1). Not later than October 1, 1994, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(1).

(ii) **NURSING HOME NURSE AIDES.**—Not later than October 1, 1993, the Secretary of Labor shall transmit to the Commissioner on Aging the report required by section 802(b)(2).

(2) **PREPARATION.**—

(A) **NATIONAL CENTER FOR HEALTH STATISTICS REPORT.**—The report required by section 802(a) shall be prepared and organized in such a manner as the Director of the National Center for Health Statistics may determine to be appropriate.

(B) **DEPARTMENT OF LABOR REPORTS.**—The reports required by paragraphs (1) and (2) of section 802(b) shall be prepared and organized in such a manner as the Secretary of Labor may determine to be appropriate.

(3) **PRESENTATION OF INFORMATION.**—The reports required by section 802 shall not identify by name individuals supplying information for purposes of the reports. The reports shall present information collected in the aggregate.

(b) **REPORT TO CONGRESS.**—The Commissioner on Aging shall review the reports required by section 802 and shall submit to the appropriate committees of Congress a report containing—

(1) the reports required by section 802;

(2) the comments of the Commissioner on the reports; and

(3) additional information, regarding the roles of nursing home nurse aides and home health care aides in providing long-term care, obtained through the State Long-Term Care Ombudsman program established under sections 307(a)(12) and 712 of the Older Americans Act of 1965.

SEC. 804. OCCUPATIONAL CODE.

The Secretary of Labor shall include an occupational code covering nursing home nurse aides and an occupational code covering home health care aides in each wage survey of relevant industries conducted by the Department of Labor that begins after the date of enactment of this Act.

Subtitle B—National Student Lunch Act

SEC. 811. MEALS PROVIDED THROUGH ADULT DAY CARE CENTERS.

(a) **IN GENERAL.**—Section 17(o) of the National School Lunch Act (42 U.S.C. 1766(o)) is amended—

(1) in paragraph (2)(A)(i), by inserting ", or a group living arrangement," after "homes"; and

(2) in paragraph (3)(B), by inserting "or title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.)" after "1965".

(b) **EFFECTIVE DATE.**—The amendment made by—

(1) subsection (a)(1) shall take effect as if the amendment had been included in the Older Americans Act Amendments of 1987; and

(2) subsection (a)(2) shall take effect on the date of the enactment of this Act.

Subtitle C—White House Conference on Aging

SEC. 821. AUTHORIZATION OF THE CONFERENCE.

(a) **AUTHORITY TO CALL CONFERENCE.**—Section 202(a) of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended by striking "1991" and inserting "1993".

(b) **PURPOSE OF THE CONFERENCE.**—Section 202(c) of the Act is amended by striking paragraphs (1) through (6) and inserting the following new paragraphs:

"(1) to increase the public awareness of the interdependence of generations and the essential contributions of older individuals to society for the well-being of all generations;

"(2) to identify the problems facing older individuals and the commonalities of the problems with problems of younger generations;

"(3) to examine the well-being of older individuals, including the impact the wellness of older individuals has on our aging society;

"(4) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and improving the well-being of the aging;

"(5) to develop recommendations for the coordination of Federal policy with State and local needs and the implementation of such recommendations; and

"(6) to review the status and intergenerational value of recommendations adopted at previous White House Conferences on Aging."

SEC. 822. AUTHORIZATION OF APPROPRIATIONS.

Section 207 of the Older Americans Act Amendments of 1987 (42 U.S.C. 3001 note) is amended to read as follows:

"SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

"(a) **AUTHORIZATION.**—There are authorized to be appropriated \$5,000,000 for each of the fiscal years 1992 and 1993, to remain available until expended.

"(b) **NEW AUTHORITY.**—New spending authority or authority to enter into contracts as provided in this section shall be effective only to the extent and in such amounts as are provided in advance in appropriations Acts."

TITLE IX—NATIVE AMERICAN PROGRAMS ACT

SEC. 901. SHORT TITLE.

This title may be cited as the "Native American Programs Act of 1974 Amendments Act".

SEC. 902. AMENDMENTS.

The Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.) is amended as follows:

(1) immediately after section 803A, insert the following new section:

"ESTABLISHMENT OF ADMINISTRATION FOR NATIVE AMERICANS

"SEC. 803B. (a) There is established in the Department of Health and Human Services the Administration for Native Americans (hereafter in this title referred to as the "Administration"), which shall be headed by a Commissioner of the

Administration for Native Americans (hereafter in this title referred to as the "Commissioner"). The Administration shall be the agency for carrying out the provisions of this title.

"(b) The Commissioner shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Commissioner shall—

"(1) provide for financial assistance, loan funds, technical assistance, training, research and demonstration projects, and other activities described in this title;

"(2) serve as the effective and visible advocate in behalf of Native Americans within the Department, and with other departments and agencies of the Federal Government regarding all Federal policies affecting Native Americans;

"(3) with the assistance of the Intra-Departmental Council on Native American Affairs established by subsection (d)(1), coordinate activities within the Department leading to the development of policies, programs, and budgets, and their administration affecting Native Americans, and provide quarterly reports and recommendations to the Secretary; and

"(4) collect and disseminate information related to the social and economic conditions of Native Americans, and assist the Secretary in preparing an annual report to the Congress about such conditions.

"(d)(1) There is established in the Office of the Secretary the Intra-Departmental Council on Native American Affairs, which shall be headed by the Commissioner. The Director of the Indian Health Service shall serve as vice chairperson of the Council.

"(2) The membership of the Council shall be the heads of principal operating divisions within the Department and such persons in the Office of the Secretary as the Secretary may designate.

"(3) In addition to the duties defined in this section, the Council shall, within 180 days following the date of the enactment of the Native American Programs Act of 1974 Amendments Act, prepare a plan, including legislative recommendations, to allow tribal governments and other eligible Native American organizations to consolidate grants administered by the Department of Health and Human Services and to designate a single office to oversee and audit the grants. Such plan shall be submitted to the committees of the Senate and the House of Representatives having jurisdiction over the Administration for Native Americans.

"(e) ADMINISTRATION.—The Secretary shall assure that adequate staff and administrative support is provided to carry out the purposes of the Act. In determining the staffing levels of the Administration, the Secretary shall consider among other factors the unmet needs of the Native American population, the need to provide adequate oversight and technical assistance to grantees, the need to carry out the purposes of the Intra-Departmental Council on Native American Affairs, the additional reporting requirements established, and the staffing levels previously maintained in support of this program."

(2) in section 803, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner", and in the first sentence thereof, delete "Indian organizations" and insert in lieu thereof "Indian and Alaska Native organizations";

(3) in section 803A, delete "agency or organization to which a grant is awarded under subsection (a)(1) of this section" each place it appears therein and insert in lieu thereof "Office";

(4) in section 803A, delete "agency or organization" each place it appears therein and insert in lieu thereof "Office";

(5)(A) in section 803A, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(B) in section 803A(a)(1), delete "one agency of the State of Hawaii, or to one community-based Native Hawaiian organization" and insert in lieu thereof "the Office of Hawaiian Affairs of the State of Hawaii (hereafter in this section referred to as the "Office")";

(6) in section 803A(a)(1), delete "5-year";

(7) in section 803A(a)(1)(A), delete "agency or Native Hawaiian organization" and insert in lieu thereof "Office";

(8) in section 803A(a)(2), insert the following immediately before the period at the end thereof: "and a requirement that the grantee contribute to the revolving loan fund an amount of non-Federal funds equal to the amount of such grant";

(9) section 803A(b)(6) is repealed;

(10) in section 803A(f)(1), delete "fiscal years 1988, 1989, and 1990 the aggregate amount of \$3,000,000 for all such fiscal years" and insert in lieu thereof "each of the fiscal years 1992, 1993, and 1994, \$1,000,000";

(11) section 803A(f)(3) is repealed;

(12) section 803A(g) is amended to read as follows:

"(g)(1) The Commissioner, in consultation with the Office, shall submit a report to the President pro tempore of the Senate and the Speaker of the House of Representatives not later than January 1 following the end of each fiscal year, regarding the administration of this section in such fiscal year.

"(2) Such report shall include the views and recommendations of the Commissioner with respect to the revolving loan fund established under subsection (a)(1) and with respect to loans made from such fund, and shall—

"(A) describe the effectiveness of the operation of such fund in improving the economic and social self-sufficiency of Native Hawaiians;

"(B) specify the number of loans made in such fiscal year;

"(C) specify the number of loans outstanding as of the end of such fiscal year; and

"(D) specify the number of borrowers who fail in such fiscal year to repay loans in accordance with the agreements under which such loans are required to be repaid.";

(13) amend section 804 to read as follows:

"TECHNICAL ASSISTANCE AND TRAINING

"SEC. 804. The Commissioner shall provide, directly or through other arrangements (1) technical assistance to the public and private agencies in planning, developing, conducting, and administering projects under this title, (2) short-term in-service training for specialized or other personnel which is needed in connection with projects receiving financial assistance under this title, and (3) upon denial of a grant application, technical assistance to a potential grantee in revising a grant proposal.";

(14) in section 805, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(15) Immediately after section 805, insert the following new section:

"ANNUAL REPORT

"SEC. 805A. The Secretary shall prepare an annual report to the President pro tempore of the Senate and the Speaker of the House of Representatives on the social and economic conditions of Native Americans who are within the scope of this title, together with such recommendations to the Congress as are appropriate, and such report shall accompany the President's budget at such time as it is transmitted to the Congress.";

(16) in section 806, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(17) in section 807, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(18) in section 808, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(19) in section 809, delete "Secretary" and insert in lieu thereof "Commissioner";

(20) in section 810, delete "Secretary" and insert in lieu thereof "Commissioner", designate the existing text as subsection (a), and add at the end thereof the following new subsection:

"(b) An organization whose application is rejected on the grounds that it is an ineligible organization or that activities it proposes are ineligible for funding may appeal to the Commissioner for a review of such determinations, but must do so within 30 days of receipt of notification of such ineligibility. On appeal, if the Commissioner finds that an organization is eligible or that its proposed activities are eligible, such eligibility shall not be effective until the next cycle of grant proposals are considered by the Administration.";

(21) in section 811, delete "Secretary" each place it appears therein and insert in lieu thereof "Commissioner";

(22) immediately after section 812, insert the following:

"STAFF
"SEC. 812A. Professional staff employed by the Administration shall be required to have knowledge of social and economic conditions characteristic of the intended beneficiaries of this title. Consistent with this requirement, the Commissioner is authorized to extend employment preference to Native Americans.";

(23) section 813 is amended to read as follows:

"ADMINISTRATION
"SEC. 813. Nothing in this title shall be construed to prohibit interagency funding agreements made between the Administration and other agencies of the Federal Government for the development and implementation of specific grants or projects.";

(24) in section 816(a), delete "and 1991" and insert in lieu thereof "1991, 1992, 1993, 1994, 1995, and 1996";

(25) in subsection (a) of section 816, delete "and 803A" and insert in lieu thereof a comma and "803A, subsection (e) of this section, and such other programs as are identified by the Congress for specific funding";

(26) in subsection (b) of section 816, delete "and 803A" and insert in lieu thereof a comma and "803A, 804, subsection (e) of this section, and such other programs as are identified by the Congress for specific funding";

(27) in section 816(c)(1), delete "and 1991" and insert in lieu thereof "1991, 1992, 1993, 1994, 1995, and 1996"; and

(28) section 816 is amended by adding at the end thereof the following new subsection:

"(e) For fiscal year 1992, there are authorized to be appropriated such sums as may be necessary for the purpose of continuing the development of a detailed plan, including the conduct of contributory research demonstration projects, for the establishment of a National Center for Native American Studies and Indian Policy Development. Such plan shall be delivered to the Congress no later than 90 days after the convening of the Second Session of the One Hundred Second Congress."

TITLE X—GENERAL PROVISIONS
SEC. 1001. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) IN GENERAL.—Except as provided in subsection (b), and as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall not apply with respect to any plan that is—

(1)(A) an area plan submitted under section 306(a) of the Older Americans Act of 1965; or

(B) a State plan submitted under section 307(a) of such Act; and

(2) approved for any fiscal year beginning before the date of the enactment of this Act.

Mr. ADAMS. Before making an opening statement, I want to indicate what the modification is. It has been agreed upon by both sides, but I want those who have worked so long and hard on the modification to receive credit for the work they have done. This modification:

Authorizes resource centers on native American elders. Requires the National Aging Data Center to analyze data regarding older native Americans, by Senators CONRAD, DOLE, and BINGAMAN;

Establishes a National Resource Center for the neighborhood senior care demonstration project, by Senator DURENBERGER;

Adds counseling on osteoporosis and cardiovascular disease prevention, Alzheimer's awareness; also adds medication monitoring as optional health promotion services, by Senator GLENN;

Includes counseling on Social Security, pension plans, and postretirement counseling to elder rights title, by Senator GRAHAM;

Includes counseling on substance abuse reduction as a health promotion service; adds counseling on current and future health and retirement needs as an optional supportive service, by Senator GRAHAM;

Sets USDA per meal reimbursement rate at the amount appropriated divided by the number of meals served or at a rate of 61 cents per meal adjusted to changes in the CPI food-away-from-home series based on the prior July, whichever is greater, by Senators ADAMS, PRYOR, and KENNEDY;

Adopts current OAA regulation language—adopted by the House—stating intrastate funding formula should take into account: First, distribution of individuals 60-plus; and second, distribution of individuals with the greatest economic need and greatest social need with particular attention to low-income minorities, by Senator COCHRAN;

Requires States to document the additional costs of providing services to older individuals residing in rural areas, by Senators COCHRAN, ADAMS, and KENNEDY;

Authorizes a demonstration project to improve transportation for the elderly, by Senator PRYOR;

Directs Commissioner to study ways to improve targeting of low-income, minority, and rural elders, by Senators PRYOR and CONRAD;

Adds outreach to isolated elderly and those with Alzheimer's disease and related disorders, and uncompensated caretakers, by Senator GRASSLEY;

Provides that all national contractors receive an amount equal to at least 1.3 percent of national contractors portion of fiscal year 1991 appropriations for the Community Service

Employment for Older Americans Program, phased in over time, by Senators INOUE, DOMENICI and BINGAMAN;

Defines and adds case management as an optional supportive service, by Senator MIKULSKI;

Provides for States to use a uniform data collection method to identify unmet needs, by Senator MIKULSKI;

Authorizes a demonstration program for State and area agencies on aging to plan for and provide services for older persons with developmental disabilities by Senator HATCH;

Directs Commissioner on Aging to conduct study to examine ways Federal funds could better meet the needs of States with a disproportionate number of older individuals, by Senator PELL;

Authorizes a demonstration project to continue funding of a national telephone information system and improve State and local information and assistance programs, by Senator PRESSLER;

Clarifies ombudsman's role and access when dealing with guardians and representative payees; adds training for guardians and representative payees, by Senator GLENN;

Adds music, art, and dance/movement therapy as optional supportive and health promotion services; adds a demonstration project regarding music, art, and dance/movement therapies, by Senators REID and HATCH;

Allows as an optional service programs to promote students visiting residents of nursing homes and other senior living facilities, by Senator CHAFFEE;

Provides for a uniform listing for area agencies on aging [AAA's] in telephone books to ease consumer access to AAA services and information, by Senator ADAMS;

Adds a criminal justice grant program to list of Federal programs that must coordinate and consult with the Commissioner, by Senator JOHNSTON;

Includes technical amendments clarifying provisions in the Pension Restoration Act, by Senator METZENBAUM; and

Reauthorizes administration for native Americans programs, as in the 1987 reauthorization, by Senator INOUE.

Mr. President, I have read this list because it represents, in my opinion, an excellent effort by the staffs of many, many Senators, the committee staff, minority and majority, the ranking member, the ranking member on the subcommittee, to attempt to settle in advance all of the matters that they have had a special interest in pursuing.

This is very important for the Older Americans Act and for its many social services. I will describe those services in a moment. There are several committees on aging in both the House and the Senate. Many groups spend a good part of the entire session working on problems of the aging. There is the Select Committee on Aging for example and there are, on both sides, commit-

tees that take special interest in this the concerns of the elderly. There are, of course, Finance Committee hearings and work that is done on the massive payments that are made under the Social Security system, under Medicare, and in the Medicaid Program.

This program, however, is the social services program that was started in 1965 and it involves programs for seniors for which other committees do not have jurisdiction. Therefore, we do not deal with Finance Committee concerns but deal with the services that affect the day-to-day life of many older Americans such as Meals on Wheels and congregate meals, and so on.

Mr. President, today is a day of great pride for me. We take up S. 243 which reauthorizes and amends the Older Americans Act. It is essential that we do this today because the bill has passed the House, and the authorization ran out at the end of this last fiscal year. This bill will authorize the Older Americans Act for the next 4 years.

We have tried to bring together all of the various groups who were about the matters for which this committee has legislative jurisdiction; to examine their programs, and consider the additions and changes that they have been working on.

The committee held numerous hearings. As you can see from the list that I read, it has dealt with many individual aging groups and Senators to be certain that we have as comprehensive an approach to this as possible.

This is legislation that is critical to older Americans. And it really is critical for all Americans. Since the enactment of this bill in 1965, the Older Americans Act has proved to be popular and an increasingly vital source of services and health for our Nation's elderly.

It is the most significant source for nutritious meals for the elderly. It helps provide meals in congregate settings, and for home delivery for those who are ill or frail.

It promotes part-time employment for very low-income seniors.

It provides for transportation to the doctor, to meal sites, to the Social Security office.

Ombudsmen to help with the problems of nursing home residents: That will be mentioned, I am sure, in this debate quite often. As it has been a subject of much work by the committee in order to prevent abuse and harm to the frailelderly, be they in nursing homes or in their own home.

It provides legal assistance for SSI, Medicaid, consumer, and other legal problems because many of the programs have become too complex, unfortunately.

We have to give assistance to our seniors so they are able to work their way through the paperwork and also to protect themselves from other types of difficulties and sources of harm.

It provides for senior centers and in-home services for frail elders. We are particularly interested in this. I want to particularly thank Senator HATCH for the work he has done on this. In-home care for seniors is probably one of the most important things that we can do. It may be the eventual solution to long-term care of our elderly. Senator HATCH has done great work on this.

These are just some of the key services that are made available through the Older Americans Act in communities throughout the United States. For many older persons, these services are the only way that they make ends meet.

As chairman of the Subcommittee on Aging, I have been responsible for shepherding the reauthorization through the Labor Committee and to the floor. I am proud of our amendments to the landmark Older Americans Act. The task of responding to the mounting needs of an aging America is formidable, particularly under the severe constraints of our budget and economic problems. Yet, this reauthorization legislation represents both a thoughtful and realistic response to these conflicting demands.

I want to emphasize that demands are often in conflict.

S. 243 is a product of a tremendous amount of input and work by many individuals and organizations including many of our colleagues here in the Senate from both sides of the aisle.

My subcommittee held six hearings this year on the OAA. Other committees in the Senate and the House, as I mentioned before, have conducted numerous hearings and studies as well. I would like to express my gratitude to my colleagues, who have contributed so much to this legislation. S. 243 reflects the numerous bills and amendments that have been offered from Senators on both sides of the aisle.

I want to take a moment and mention some of the bills that we used portions of, as well as S. 243. Members co-sponsoring bills that are included in S. 243 or portions thereof that were not listed in the modification that I indicated but were very helpful were Senators BRADLEY, BREAUX, BRYAN, BUMPERS, BURDICK, COHEN, FOWLER, GORE, GORTON, HATFIELD, HEFLIN, LEAHY, LIEBERMAN, KOHL, MCCAIN, RIEGLE, ROCKEFELLER, SANFORD, SARBANES, SHELBY, SIMON, STEVENS, WALLOP, and WOFFORD.

As you can see, Mr. President, this has been a product of the work over the past year by many Senators and their staffs, as well as the committee members and their staff.

I particularly want to note the contributions of the distinguished ranking member of the subcommittee, Senator COCHRAN, and those of our chairman, Senator KENNEDY.

Senator COCHRAN will be a little delayed this morning but I want to be

certain that we protect his rights to offer any amendments that he may wish to offer, and he will probably wish to make an opening statement prior to our recessing at the usual time during the middle of the day today. If necessary, we may put in a quorum call in order that that happens. I will consult with Senator HATCH about that. We want to be certain that he has his opportunity.

Mr. President, I will finish by just taking a few minutes to outline some of the key elements of this legislation. It emphasizes and strengthens those parts of the OAA that protect and assist the most vulnerable among our senior elderly citizens. We put a new title in the bill. This is in response to requests from around the entire Nation. We have a new title that is called the Vulnerable Elder Rights title. It consolidates and strengthens programs already in the act—the long-term care ombudsman program, the elder abuse prevention and outreach programs, and these provisions will help us tackle the tragedy and disgrace of abuse of the elderly.

The elder rights title includes a new insurance and benefits counseling program. This will help seniors to sort out the extraordinary confusion and complexities associated with the growing health insurance sales business. It will help them deal with health insurance and public benefit programs, as Washington State and several other States have already done.

Disease prevention and health promotion efforts will be greatly improved. Several Senators have felt this is the most important thing that we can do—to try to prevent disease and to promote good health among seniors.

This will help prevent or delay many of the problems commonly associated with the aging process. To help capitalize on the time and abilities of older Americans, there is a new option to provide meal sites in our public schools. This will encourage intergenerational activities to benefit our kids. This program has worked exceptionally well in Seattle for the past 17 years. The bill will promote it nationally. It really sort of provides a grandchild for some people whose grandchildren are not with them, and a grandparent for children who need help because their families are in disarray.

S. 243 would also establish a new program to assist informal caregivers, usually family members. And I want to compliment Senator HATCH for his work on this. This is something that happens all the time that we do not give enough recognition to.

This is to assist informal caregivers, who are usually family members who provide extraordinary amounts of long-term care without compensation. These dedicated people are really the backbone of our long-term care system. They need help. The bill includes im-

portant long-term care demonstrations and resource centers.

I am very disappointed, Mr. President, that the President of the United States did not call for a 1991 White House conference on aging, as authorized in the OAA in 1987. But he has belatedly called for a 1993 conference. So S. 243 authorizes that conference and stresses an intergenerational theme for the conference.

The legislation provides greater emphasis on the ability and commitment of the aging programs to better serve those in the greatest need, particularly low-income minorities.

S. 243 will improve nutrition services. The reimbursement rate for the commodity meals program would be increased after 4 years without so much as a cost-of-living increase.

There are many, many other improvements in OAA programs in this legislation. They are all noncontroversial.

All of the major aging organizations have endorsed this legislation. If there is no objection, I would like to include in the RECORD a letter of support from the Leadership Council on Aging which has been signed by AARP, the National Council of Senior Citizens, the National Council on Aging, and many other organizations.

Mr. President, one provision in our bill is in controversy, however, as we all know. That is the provision to help those elderly retirees who lost their hard-earned pensions when their employers went out of business, often after 20 to 40 years of work. There is likely to be a separate vote on that provision. I will speak to the importance of that provision at that time.

Mr. President, this legislation will improve the lives and well-being of millions of older Americans. It will improve our ability to protect the rights of the frail and vulnerable. It will ensure better quality and targeted services.

The legislation is widely supported, Mr. President, and I urge our colleagues to move this legislation quickly, so that we can send it to the President and put these important amendments into action.

Mr. President, I ask unanimous consent that a letter from the National Council of Senior Citizens, a letter from the AARP, and a letter from the Leadership Council of Aging Organizations be printed in the RECORD.

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

NATIONAL COUNCIL
OF SENIOR CITIZENS,

Washington, DC, November 5, 1991.

DEAR SENATOR: The National Council of Senior Citizens (NCSC) urges you to support S. 243, the Reauthorization of the Older Americans Act, with the provisions approved by the Labor and Human Resources Committee. This legislation reauthorizes important programs for the elderly, including senior

centers, nutrition programs, legal services, employment opportunities, research and care for the homebound. The Reauthorization legislation also contains many important improvements in the Older Americans Act, including elderrights and preventive health care.

It is most critical that the Pension Losers' provision approved by the Labor and Human Resources Committee be maintained in the legislation.

This provision will ensure that retired workers who were promised pension benefits will receive at least a portion of the pension they had earned. The provision is a matter of simple justice for these 50,000 elderly Americans.

On behalf of the five million members and over 5,000 local clubs and Councils of NCSC, we thank you for your consideration of our views. If you have any further question, please feel free to call Kurt Vorndran of our legislation staff at 347-8800.

Sincerely,

LAWRENCE T. SMEDLEY,
Executive Director.

—
AARP,
Washington, DC, July 16, 1991.

Hon. HOWARD METZENBAUM,
Senate Russell Building, Washington, DC.

DEAR SENATOR METZENBAUM: The American Association of Retired Persons wishes to express its support for S. 351, the Pension Restoration Act, which you intend to offer as an amendment to the Older Americans Act Reauthorization Amendments of 1991. The Pension Restoration Act would restore a portion of pension benefits that were lost by individuals prior to the effective date of the Employee Retirement Income Security Act (ERISA).

Prior to ERISA, few federal laws protected workers and retirees from losing pension benefits as a result of plan failures. During the late 1960's, increased attention was paid to the plight of tens of thousands of individuals who found themselves without earned pension benefits because their company or plan had failed. Eventually these pension losses led to the passage of ERISA, but the new pension law did nothing to help individuals who had already lost benefits.

For years these individuals have sought relief from Congress. Now, only a small number of retirees and spouses remain. The ever-shrinking number of these "pension losers," estimated at about 40,000, now represent the remaining individuals who were fully vested in their pension plans—only to be denied their benefits. The time has come to finally provide relief to these retirees.

Both funding and administration of this relief would be provided by the Pension Benefit Guaranty Corporation (PBGC) out of current premium payments. No additional funding is needed, and the costs will diminish as the number of pension losers continues to decline. It is the purpose of ERISA and the PBGC to guarantee pensions and ensure the timely payment of benefits. This amendment will further these purposes and finally provide a measure of increased retirement activity to retirees who suffered a financial loss over two decades ago.

Sincerely,

JOHN ROTHER,
Director,
Legislation and Public Policy.

—
LEADERSHIP COUNCIL OF
AGING ORGANIZATIONS,
Washington, DC, November 8, 1991.

DEAR SENATOR: The undersigned members of the Leadership Council of Aging Organiza-

tions (LCAO) urge your support for S. 243, reauthorizing the Older Americans Act (OAA).

The Older Americans Act provides an array of programs on which millions of older citizens depend for vital services, including information, job opportunities, protection of basic rights and opportunities to serve in volunteer roles. It includes support for social and community services, senior centers, nutrition and health promotion programs, legal services, research activities and care for frail and homebound seniors. It will support a 1993 White House Conference on Aging.

The reauthorization legislation, which has already passed the House and the Labor and Human Resources Committee contains important improvements in the OAA, including enhanced elder rights, better targeting of services to lower-income seniors, the pension counseling demonstration project and assistance for Pension Losers, all of which await reauthorization for implementation.

The Pension Losers' provision will ensure that retired workers, who were promised pension benefits, will receive at least a portion of the pensions they had earned. We believe that this provision is a matter of simple justice for up to 50,000 elderly Americans. America's seniors depend on these important programs. This bill, along with its critical new provisions, need the prompt and positive action of the Senate.

Sincerely,

LAWRENCE T. SMEDLEY,
Chairman.

Attachment.

The following member organizations of the Leadership Council of Aging Organizations endorse the attached letter in support of S. 243:

- American Association of Retired Persons;
- AFSCME Retiree Program;
- American Society on Aging;
- Association for Gerontology in Higher Education;
- Catholic Golden Age;
- Families USA;
- Gray Panthers;
- Green Thumb, Inc.;
- National Association of Area Agencies on Aging;
- National Association of Foster Grandparents Program Directors;
- National Association of Meal Programs;
- National Association of Nutrition and Aging Services Programs;
- National Association of Older Americans Volunteer Program Directors;
- National Association of RSVP Directors, Inc.;
- National Association of Retired Federal Employees;
- National Association of Senior Companion Project Directors;
- National Association of State Units on Aging;
- National Caucus and Center on Black Aged, Inc.;
- National Council of Senior Citizens;
- National Council on the Aging, Inc.;
- National Hispanic Council on Aging;
- Older Women's League; and
- United Auto Workers Retired Members Department.

NOVEMBER 7, 1991.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have to say that I regret that I cannot speak today in full support of S. 243, the Older Americans Act Reauthorization Amendments of 1991, but only because

of one controversial, unrelated amendment that was adopted in the committee.

Having said that, I would like to thank my distinguished colleague, Senator ADAMS, from Washington, for his kind remarks and his kind comments about me, and for the good work he has performed in getting this to the floor. He has provided leadership, and I appreciate it as the ranking member of the committee.

Before I go into this one aspect of the bill with which I disagree, and with which the administration disagrees, let me explain the good things about this legislation and the reasons why I sincerely hope that my colleagues will join me in voting to delete the pension proposal that is weighing down this particular bill.

The Older Americans Act of 1965, since its enactment, has been an effective organizational vehicle and an invaluable conduit for the delivery of supportive nutrition and other social services to millions of elderly citizens in this country. The Older Americans Act, which is now celebrating its 25th anniversary, is a good illustration of Federal dollars being spent wisely for a worthwhile purpose.

In fact, over 7 million senior citizens benefited from the OAA's supportive services during fiscal year 1989. Let me share a personal story about one elderly couple in my home State of Utah. Mr. and Mrs. Jones, as I will refer to them, are both in their seventies. Thirteen years ago, Mr. Jones was diagnosed with Alzheimer's disease. Mrs. Jones was able to take care of him for a while, but soon the constant care that he required was too much. She contacted the local area agency just to see if they would be eligible for the Meals on Wheels Program. The area agency sent an outreach worker who worked with the Jones' to obtain not only Meals on Wheels, but a number of other services including transportation, respite care, and even financial planning advice. This is just a sampling of the many worthwhile services offered through the Older Americans Act.

Mr. President, this legislation before us today does much to strengthen and streamline the existing programs in order to continue and improve these valuable services. I am particularly pleased that my colleagues have agreed to an amendment that I sponsored, which establishes demonstration projects to address the problems of the elderly with developmental disabilities are facing. Thus far, the programs in this legislation have done little to focus efforts on this group of senior citizens who are fighting to be part of the mainstream in communities across America. This is a small \$5 million program; but, I hope that States will be able to use this money to creatively address a very serious problem.

If it were not for the so-called pension losers provisions, I would be an enthusiastic supporter of this legislation, and it would pass 100 to 0; I think everybody in the Congress would be for this legislation and would want to pass it.

Mr. President, we need to make one thing perfectly clear. All of the wonderful programs that are a part of the Older Americans Act are being jeopardized by the pension losers provisions of this bill. This component was added as an amendment to S. 243 by the Labor and Human Resources Committee.

The proponents of this amendment know that this proposal is highly controversial and highly problematic. They know it is a budget buster. They know it will put the retirement security of over 40 million workers and retirees who depend on the Pension Benefit Guaranty Corporation [PBGC] in peril. If the proponents had any confidence that this was truly a good idea—one that could stand on its own merits—they would not have appended it to the Older Americans Act.

The proponents, no doubt, thought that attaching this amendment to such a noncontroversial vehicle was a good legislative strategy, and I admit that this is not the first time I have seen such a strategy used in the Senate. The assumption underlying this move is simply that we who oppose the amendment would be too timid to oppose the Older Americans Act because of it.

Well, Mr. President, we are not. The so-called pension losers amendment is bad policy. It is irresponsible budgeting, and it is not fair to those workers who rely on the Pension Benefit Guaranty Corporation [PBGC] to protect their retirements. We must oppose it; we do not have a choice. But, let us be clear about this: The fight over this pension proposal is occurring at this time and place because 10 members of our committee voted to attach it to this bill.

What are the consequences of this not-so-little addition to the Older Americans Act? Let me answer as plainly as I can: If this component of the bill is not deleted from S. 243, the President will be compelled to veto the entire bill; that veto will be sustained; and, the Older Americans Act reauthorization goes down the drain. No one will be responsible for killing the Older Americans Act except those who will vote to retain these provisions in S. 243.

Mr. President, using the popular and effective Older Americans Act to carry the weight and controversy of this complex pension proposal is a sorry tactic. Even Senators inclined to support the provisions of the pension losers amendment—and I certainly hope they will rethink this position after considering the debate today—should support deleting these provisions from this bill so that this reauthorization can become law.

Some may argue that President Bush could sign S. 243 regardless of the pension losers provisions. He does not have to veto it. He must be against seniors and retired workers if he does not sign the bill.

The way I see it, Mr. President, there are two flaws in this assertion. First, I believe that the majority of America's senior citizens have seen right through this proposal. There is no across-the-board benefit here.

Moreover, current retirees whose pensions are insured through the PBGC are also vulnerable under this amendment. Most particularly endangered by the amendment are those retirees whose pensions are insured by the PBGC and whose plans were terminated. The monthly check for these retirees comes directly from the PBGC—the same entity whose liabilities would be increased and whose viability would be threatened if this amendment remains in the bill. What are we trying to do here? Create another opportunity for bailing out financial institutions? I can't believe my colleague from Ohio, Senator METZENBAUM, would want to do that.

Second, President Bush and Secretary Martin should be commended for standing up on this issue. We do not have unlimited resources—I am sorry if that is news to some of my colleagues. We have got to make some tough choices. We have got to say no to fiscally irresponsible legislation. I believe most Americans would put a new \$500 million entitlement program into that category.

The American people, in poll after poll, have indicated that the budget deficit is among their principal concerns. The deficit affects the entire economy. It seems to me that if we are concerned about getting out of a recession, we ought to be more concerned with keeping the promises we made to cut spending. As I recall, last year, Congress promised spending restraint in exchange for so-called revenue enhancers. We are breaking our end of the deal; yet the taxpayers have no legal way of reneging on their particular end of the deal.

Mr. President, in due course I expect to be offering an amendment that will delete the so-called pension losers amendment from S. 243. I hope my colleagues will tune in to the debate. I will be setting out in much greater detail the risks we run if we impose this kind of new liability on the pension insurance system. If Senators support my amendment, we can ensure enactment of the Older Americans Act reauthorization. We can strike a blow for fairness. And, we can show that we can, as a body, act responsibly.

If my amendment is not accepted and we do not strike this irresponsible provision from this bill, then this bill will pass, probably. But it is certainly going to be vetoed, and I believe that

veto will be sustained and that will be the end of the Older Americans Act for this year.

Mr. President, I suppose there will be some who will vote for it just on that basis, because then they can accuse the President of being against older Americans. I do not think the people in this country are so stupid that they do not realize what is going on here.

We have a perfectly wonderful bill, the Older Americans Act, that really reaches the needs of older Americans in our society, that really should have a 100-to-0 vote, which we would normally vote. That now has a provision added onto it that basically hurts older Americans, in the very act that we have, that will cost all order Americans and others who are in danger of losing their pensions if the Pension Benefit Guaranty Corporation goes broke. And it is going broke because it cannot stay up with the cost of demands on it just by defaulting companies who have been paying into it through the years but who will no longer be paying into it, leaving people high and dry.

If we keep that pension losers language in this bill, then we are in danger of hurting all older Americans throughout the country, especially those who rely on the Pension Benefit Guaranty Corporation which handles their pensions.

Mr. President, it is nice to be able to say that we have unlimited funds out here to do unlimited good. We do not have unlimited funds, nor could we do unlimited good. We have to do the best we can within our means and within our budgetary means, and right now that does not give us a lot of flexibility.

The language that has been put on this bill by the distinguished Senator from Ohio is offensive language. It is language that really will make this bill unworkable. It is language that will require honest and decent taxpayers to pay for the problems that they did not create, that they had no responsibility for, and that they should have no responsibility for.

Frankly, Mr. President, if we do that, then we deserve the irritation, the condemnation, and the criticisms that the general public out there are lodging against the Congress as a whole, because we would be irresponsible. And in the process, we would be adding to the budget deficit, while at the same time tending to break the Pension Benefit Guaranty Corporation that depends on honest people paying into it and should rely upon payments out of it being made to the same people who paid into it.

Mr. President, this is an important issue and I wish we did not have to get into it because if we did not, we would not even have to make anything but these opening statements, and the bill would pass. We would probably pass it

by a voice vote unanimously. But if we wanted a vote, it would have 100 Senators voting for it. As it is, there has to be this stand taken. The President is right in raising these issues. The Secretary of Labor is right in raising these issues. The leaders of the Pension Benefit Guaranty Corporation are right in raising these issues. And we have to face them sooner or later, as people who want to be responsible with regard to the way we handle our budget matters and the way we handle pension matters in this country, as well.

Having said all that, I do want to thank the distinguished members of our committee, especially the distinguished Senator from Washington and his ranking Republican member on the subcommittee, Senator COCHRAN, for the work they have done on this particular bill.

I hope we can resolve this one problem, because then their work will not have been in vain, and their work will go on, I think, to the acclaim of everyone in our society, not just those who want to break the budget or those who are irresponsible, or those who do not care or those who are trying to make political points. I do not think we should make political points on the Older Americans Act. If somebody wants to make political points, wait until the right time to make them and make them straight up, and do it in a way responsible, not in a way that appends a totally irrelevant set of pension changes to a bill that is totally relevant to the needs of the older Americans in this country.

Mr. President, again, this is an important bill. I wish we were not in this type of argument. I wish we did not have this type of problem with it. Since we do, we have to face it. And before the end of the day, I intend to bring up this amendment to delete this offensive language from the bill. I hope my colleagues will support it, because those who really want an Older Americans Act, as I do, I think will want to support that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington [Mr. ADAMS].

Mr. ADAMS. Mr. President, I want to reply to the distinguished ranking member with regard to the pension-losers provision of this bill.

I am certain this will be debated at greater length by Senator METZENBAUM, who is the author of the amendment, to place it in the bill, and by Senator COCHRAN when he arrives on the floor, who is the ranking Republican member.

But I think it is time—and I agree with Senator HATCH—that we discuss what we really have done with these people, and whether or not they are deserving of some help from their Government, and whether or not the Pension Restoration Act is really the right thing to do.

I happen to think it is, and I am going to describe what has happened and why this is in the bill.

What it does—the Pension Restoration Act, which is a provision of the bill—is provide a very modest benefit to the pension losers. These are the people who had vested pension rights when their pension plans closed down in the sixties and the seventies. And by closed down, I mean they had paid in and the company had paid in, and they had a certain pension coming to them. And the company either went bankrupt, and the entire pension plan was thrown away, or the pension plan of that company had invested maybe in its own stock, and the stock of that company became worthless.

In other words, these people were relying on something they paid for and the company had paid for, and it was gone. Most of these people had worked 20 to 40 years, only to end up with no pension. And so, to protect future retirees from this, the Congress, in its wisdom—and I was in the Congress at that time—passed in 1974 the ERISA Act, and created the Pension Benefit Guaranty Corporation, which we refer to as the PBGC. This was in 1974, and it is in place now to prevent the very thing occurring in the future that had been going on in this country; to protect retirees when their pension plans were either being raided or were collapsing. To protect people who had worked for years and years, and had given their loyalty, often, to a company but because of a failed pension plan, would otherwise be left with nothing.

Unfortunately, ERISA did not help those who got it passed. In other words, these people worked to get it passed, but the provisions of the act do not protect this group of workers. All of the people that had worked for all those years to correct it were left with nothing.

So that is what this provision is for. It does not involve many people, as I will indicate in a moment, you see, because of the length of time since the enactment of the act—17 years ago. The best figures that we have is there are only about 38,000 people left. The rest have died, and they never got what they were entitled to and their survivors have died, and they did not get their pensions either. So there are only 38,000 people in the entire United States who qualify for this benefit, and the number will shrink every year.

It is not, as was portrayed, an entitlement program that will go on forever in the future because it goes only to the group of people who had lost their pension rights. They are much older now. That is why there is a reason for placing it in this act, the Older Americans Act. These are seniors now, who are dying each year. How long the 38,000 people will last none of us can say, but we all know that many more

of them will soon be gone, and the amount to be paid is very small.

All it allows for these pension losers is \$75 for every year they worked under a company or union plan. For example, a person who worked 20 years under the plan would receive \$1,500 a year. That is the maximum anybody could get. That is not an exorbitant sum of money. They would at least have that sum of money, and that would come from the PBGC. And then, as they die the total amount paid will shrink even further.

It is really tragic we have to argue about this, Mr. President, in a country this wealthy. The surviving spouses would only receive 50 percent of that amount. So what we are talking about is an elderly woman getting a maximum of \$750 a year under this plan from a trust fund that has the money in it to pay for it.

We are going to have some discussion, I am sure, later on today about whether this fund is well run or whether it is not. I will let the administration people defend whether or not they have handled the fund well or whether or not they have kept good track of the pension benefit sharers. But this would only cost less than \$50 million in the first year. And that amount will go down because there are so few people and we are giving such a small benefit. The annual costs drop rapidly after that because this group of workers is shrinking because of death. In fact, the total top estimate, if everybody were to live the whole time—which they cannot—for the benefits to be paid for the remaining 20-year lifespan of these individuals will be \$340 million. That would be paid out over 20 years at less than \$50 million a year to begin and much less after that.

The CBO has determined there would be no budget implication because the program would be funded by transfers from the PBGC's trust fund to the revolving fund.

We have in this case a trust fund and a revolving fund. The revolving fund is amounts paid in each year by the various companies that have funded pension plans. In other words, regular pension plans. And we have a trust fund of assets of plans that have had to be taken over by the Government. And this trust fund pays into the revolving fund.

The legislation would require no additional revenue and the PBGC, an off-budget Federal program, would administer the program.

There have been concerns about the PBGC's solvency. But I do not think, and I have never thought, that individuals who have suffered and who should have a right, should have to suffer more because the bureaucracy in Washington, DC, does not function very well. That is one of the things people in this country are screaming about—and rightly so. They say, we set these trust

funds, we pay money into them, but then when the time comes for the trust fund to pay out the money that we paid in, in order to have protection, why, it is not being paid.

The administration does not want to pay it. I can understand why. I was the first budget chairman. Every time you take one of these trust funds and not pay anything out of it, you can apply that money that is coming in from its investments, and instead of paying it out you can apply that to the figure you are using as a deficit. It makes you look good. But I do not think we want to try to make the deficit figure look good while we are hurting people in the real world.

The act's provisions relieve the PBGC of funding responsibility in the event the funds are not available. We even went so far—Senator METZENBAUM, when he drafted this—to say if they screwed this fund up so badly that it does not have enough money to pay everybody, then these people stand at the end of the line and not receive money. There have been criticisms of this fund and, I think, legitimate criticisms. Apparently PBGC's computers broke down. I was not administering it. Senator HATCH was not administering it. Both of us have reasons to be appalled at how this fund works, but it has a lot of money in it and it is taking in a lot of money. And the argument that these funds should not be used to pay benefits for pensions whose companies closed before the enactment of ERISA in 1974 is just not sound; it is just not fair. No other employers paid premiums before 1974 and yet their employees' pensions which were earned before 1974 are covered.

In other words, if you were paying into it and you had the good fortune to have your pension plan extend 3 months beyond the date of enactment in 1974, you are protected and all of your rights are protected. But if you were in that horrible situation that your plan collapsed 2 months before, you were not covered. It is just bitter irony to me that the many people who lobbied for the passage of the Employee Retirement Income Security Act, which we all call ERISA, were excluded from the benefits of this great pension reform because they worked for companies that closed before 1974.

I just want to mention one that I happen to know about. I see Senator METZENBAUM is on the floor. I am certain he will go into this in greater detail, about the Studebaker Corp. Here we have people who have worked for years and years. I am sure the President remembers, as I do, that, the Studebaker, coming out of World War II, was the car to have; everybody wanted it. The little company just did not survive and its pension plan crashed. People who worked there for their entire lifetime, they had a pension plan. It collapsed—went into bankruptcy. They got nothing.

I have not even talked about the abuses that have gone on with pension plans where people have raided them and taken the money out of them and used it for other purposes. They just went bankrupt. Their retirees lost everything. They did not get a pension. Yet they had worked for that pension and stayed with that company.

So the plight of the pension losers really is a serious one. There were hearings held. There were hearings held in 1984. The plight of the pension losers has not changed at all since that time except there are fewer of them—in other words there have been deaths—and their ability to make ends meet has further eroded.

I might say that non-Older Americans Act amendments have been included in past Older Americans Act reauthorizations. For example, the Age Discrimination Act was included in 1975; the Age Discrimination in Employment Act amendments were included in 1984; the Administration for Native Americans in 1987 and again this year.

To me this is a matter of basic fairness. These retirees were hurt through no fault of their own. They worked hard. These are the middle-class working people of America, and why is it that we always treat them so badly? I think we should be treating them well and that we should be saying we understand your plight and we will help you.

We have a chance to offer just a small bit of help really. One thousand five hundred dollars a year does not buy much now, but for these seniors, these 38,000 people, it means a lot to them, and that is why it is included.

I am going to let the experts from Labor discuss the status of the PBGC. I will just say this. I want to tell you that when Senator D'AMATO and Congressman WOLPE did their hearings on this and what is reported now, is that the PBGC has \$3 billion in hand in assets with a positive cash flow of \$300 million a year. It is expected to have a positive cash flow throughout the decade—which is the decade in which most of the payments will be made.

These people can be paid \$50 million out of the PBGC's investments. I am simply stating that this is a time to help these people from a fund where it is available. It does not require any new taxes. It can come out of the investments that they have made, and the positive cash flow protects those who are presently paying in. If the PBGC has any problems, I think it is up to the committees in charge to deal with that because based on all the information we have, these people can be protected. At this time, Mr. President, I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I do not want to take long. I notice the distin-

guished Senator from Ohio is here and I am sure he is here to discuss his amendment to this particular bill. But I would just like to—and I will debate this at length later with my colleague from Ohio—but I would like to just put into the RECORD at this point some aspects of the statement of administration policy from the administration with regard to this one issue.

The pension provision, they say, is highly objectionable because it would create an ill-conceived, unfunded entitlement program to provide benefits for individuals whose pension plans terminated prior to then enactment of the Employee Retirement Income Security Act of 1974, commonly called ERISA, which created the Pension Benefit Guaranty Corporation.

The PBGC was established to insure benefits in plans terminating after its creation, and it is funded with premiums paid by companies with pension plans covered by ERISA.

It is objectionable because it violates the pay-as-you-go requirement of the Budget Enforcement Act by increasing direct spending without providing offsets.

The bill attempts to circumvent the Budget Enforcement Act by drawing down PBGC's trust funds and prescribing special accounting rules. The true effect would be to increase direct spending, which could trigger a sequester at the end of this session of Congress. The so-called trust funds are off budget and they are there for a reason because they are there to protect the rights of people who have been paying into the PBGC ever since 1974.

The administration also says that the pension provision is highly objectionable because it potentially adds \$500 million, a half billion dollars, in liability to the PBGC, which already has a deficit of at least \$2 billion that could grow still higher in light of recent increased fund liabilities.

They also object to it because it would create an administrative nightmare for the individuals who lost their pensions and for the PBGC. Those who lost their pensions could find it extremely difficult or impossible to supply the necessary documentation to support their claims. The PBGC would be burdened by a new, complex program that would add costly and dramatically due to recent large pension plan terminations, by plans that have been paying in.

It also is objectionable because it distorts the current Federal pension insurance system by requiring the PBGC and its premium payers to pay for a new program without a financing offset. If PBGC premiums were increased to pay for the cost of this provision, employers could be discouraged from sponsoring defined benefit plans insured by the PBGC.

In addition, the administration goes on to say, the provision currently in-

cludes a financial test that PBGC must meet before it can pay benefits. If the PBGC cannot meet the financial test, no benefits would be paid, thus making the provision a hollow promise to the elderly it purports to benefit.

Mr. President, the administration raises appropriate objections. Yes, there are some people who worked for companies who went bankrupt before the ERISA laws came into effect. Studebaker is a good illustration. Now what they want to do is raid the PBGC Treasury, admitted, up to \$340 million. The real estimate is \$500 million, and neither of those estimates, \$340 million or \$500 million, include all the administrative costs.

I have to tell you, in this Government, administrative costs eat us alive. So you can just add many, many more millions, if not hundreds of millions of dollars to the cost of maintaining this controversial provision of the distinguished Senator from Ohio.

All of us would like to do good. I wish I could give \$30,000 to every person who has to live in a shelter. Probably if we cut out all the welfare programs of the Federal Government, we could give \$30,000 to everybody in our society who is poor. Maybe that would be a lot better than some of the programs that we continue to foster and support. I do not know.

I would love to take care of everybody who has the slightest problem in America. The problem is we do not have the funds, and why rob the Pension Benefit Guaranty Corporation that has had nothing but problems over the last number of years, in order to pay moneys that have never been paid into it, to those who unfortunately suffered as a result of the bankruptcy of their companies before ERISA was put into effect? If there is some way of doing that and we have the moneys to burn, I am all for doing that. You could end up with complex problems with Medicaid. These people who are on Medicaid and receiving benefits from Medicaid, if all of a sudden this amendment is passed into law, may very well lose those benefits they currently have.

All I am trying to say is it is complex, it is difficult but we should not rob Peter to pay Paul. We should not rob the Pension Benefit Guaranty Corporation, which we have had to try to replenish over the last number of years, by increasing the premiums paid by businesses against their wishes in order to keep it alive for those who have legitimately paid into it all these years in order to help people who did not pay into it, who were unfortunate enough to belong to companies that did go bankrupt before the ERISA laws came into effect. That is one of the reasons the ERISA laws did come into effect, because we want to provide more security for those who pay into the central fund.

But it is no secret, the PBGC is in trouble. We cannot keep it going. Even

though we have this off-budget trust fund, that is going to go quickly, too, because the PBGC on budget is \$2 to \$3 billion in deficit and that does not count all the administrative cost of managing the funds that would be added to the PBGC if this amendment is kept in this bill.

So the administration is right in opposing it. If this problem has to be solved, let us solve it straight up, not by fouling up the Older Americans Act so that the administration has to veto the bill. Let us do it separately and if it has that much support, let us see what happens. Maybe there are some moneys somewhere that we can find that will not break the budget, that would help these people.

The fact is that we have people in this body who never ask the question, where do the moneys come from? How do we prevent those who have been paying into this system for years from being robbed by the system? Why have another entitlement program when it is estimated that two-thirds of all programs in the Government are entitlement programs that go on regardless of what the authorizing committees decide?

It is nice for liberals to continue to think that the entitlement answer is the answer when, in fact, everybody else knows that is one reason why we are in the mess we are in. And to add another one on top of it to a program where real people have paid into it all these years hoping it will be solvent, another program that will reduce and decrease the solvency of the PBGC, it seems to me is not only unjustified, it is wrong, and the administration is right in saying they will veto this bill if that provision is in here.

I am willing to work with my colleague from Ohio and others to see if there is some way we can resolve the problems that they are concerned about for these people who antedated the PBGC and ERISA, but do not do it here on this bill by fouling up the PBGC and robbing it and robbing the people who have paid their hard-earned earnings into it in the hopes that they will have pensions there so we can help people who have not done so. It just is not the way to do it.

If we have to do this on a welfare pension basis, let us do it. Let us find some way to do it. But we are going to have to find it within the budget, and we are going to have to make priority choices and cut some aspect of the budget that is not as justified as this.

One problem with that is that the proponents of this particular measure know that the other aspects of the budget are probably priority choices over this one because the equities are with those other aspects of the budget. So that is why they do not want to face the responsibility of making a priority choice and cutting some other program so they can come up with this \$340 mil-

lion to \$500 million, not counting the administrative costs, that this type of language is going to require by this bill.

I have to be off the floor, but I will pay attention by reading it and otherwise to what my distinguished colleague from Ohio has to say about this, and this afternoon we will debate this at length, certainly when I bring up the amendment to delete this particular provision from this bill. It does not deserve to be in this bill.

The Older Americans Act ought to be supported 100 to zero on this floor, and 435 to zero in the House. But with this provision included, it cannot be supported that much. I think that is a crying shame.

Having said all that, I yield the floor to my distinguished colleague from Ohio.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. KERRY). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I will speak at length on this subject after the distinguished Senator from Utah offers his amendment, but I rise to clarify some facts.

I heard the distinguished Senator from Utah talk about the impact on the taxpayers. Let me make it clear, the inclusion of this provision to provide for 40,000 pensioners who were left by the wayside by Congress a number of years ago will not have any taxpayer impact. The Congressional Budget Office agrees. Their statement is very clear on this subject.

Now there is some talk and the rumor mill has it that the Office of Management and Budget is going to send some letter here indicating that there may be some budget impact.

I want to ask something. This bill was due on the floor last week. It was ready to go forward. The Senator from Washington was prepared to handle it. There was no letter from OMB. There was no message from OMB.

The only reason it did not go forward is because the Senator who is now advocating taking this amendment out of the bill was not present for personal reasons, and understandable personal reasons. I have no quarrel about the delay and the accommodation to him, but what I am saying is where was the OMB, when this issue arose a week ago?

Now they tell me the OMB is typing up a letter to send down here. This amendment was offered by Senator D'AMATO in 1981, a member of the party of my colleague who previously spoke. This amendment was supported in the committee by Senators COATS and KASSEBAUM, members of the party of the Senator from Utah.

Now they say again, as we hear so often around here, if the amendment is included, the President will veto it. Come on. Do not kid us. The President

of the United States is not going to veto the Older Americans Act for the very small amount of money that is involved in this bill that does not even violate any of the rules or regulations having to do with budgetary constraints.

The Office of Management and Budget may come forward with a letter, but I say to you that the Congressional Budget Office, which understands these issues and which indicates that it will not have a budgetary impact, has signed off and it is not a problem with them.

This amendment which is in the bill provides for people who were left by the wayside. It does not provide a lot of money. It provides a munificent sum of \$1,500 a year—\$1,500 a year for about 40,000 people.

I will address myself later to the ability of the PBGC, the funds that had a positive cash flow last year of \$300 million to withstand the costs that are involved in connection with caring for these people. The people who were left by the wayside do not come from just one area.

My distinguished colleague and friend from Washington pointed out the Studebaker employees, and indeed they are one group of employees. But we will circulate to the Members of this body a list of companies whose employees were affected, and they come from States across the country.

This amendment is fair. This amendment is reasonable. This amendment is supported by the Leadership Council on Aging. It is supported by the AARP. It is supported by the National Council of Senior Citizens. It is supported by the AFL-CIO.

In order to cover one aspect of the speech already made by the Senator from Utah, let me make it clear it will not impact upon the Medicare or Medicaid benefits of the people of this country.

You can bring up a lot of hobgoblins. You can talk about a lot of issues. You can make believe some things might occur, but the facts are, the only funds affected by this amendment are in the Pension Benefit Guaranty Corporation, and there are adequate funds to pay it. I will address myself to that issue at a subsequent point.

This is a matter of fairness. This is a matter of equity. I remember when the distinguished Senator from Utah came to the floor with an amendment without any precedent and prevailed upon Congress—and I went along with it, and so did many other Members of this body. I think his amendment passed unanimously—to provide \$50 million to those who had been affected downwind in Utah by reason of the atomic energy facilities, and we provided the \$50 million. We took it out of the Treasury in this instance.

This is not an effort to take it out of the Treasury. This is an effort to take

it out of the Pension Benefit Guaranty Corporation. No taxpayer impact. I hope my colleagues will see fit to keep the amendment in the bill as it is now. I hope my colleagues will recognize the fairness and equity of treating these 40,000 employees in a fair and equitable manner.

I yield the floor.

Mr. ADAMS. 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.

Mr. ADAMS. Reserving the right to object, and I shall not object, may I inquire what the Senator from North Carolina wishes to speak on?

Mr. HELMS. I will say to the Senator that I wish to speak as in morning business for 2 minutes.

Mr. ADAMS. I have no objection.

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

OPPOSING \$1 BILLION IN AID TO THE U.S.S.R. FROM THE U.S. DEFENSE BUDGET

Mr. HELMS. Mr. President, I find myself exceedingly concerned about increasing reports that the DOD conference report will contain extraneous language that was in neither the House nor the Senate bills. The provision in question is called Reduction in the Soviet Military Threat.

I strongly object to this provision being tacked in—in violation of the rules, incidentally—by the conference. Congress should not give the administration the go-ahead to send \$1 billion in aid to the Soviet Union. Insofar as I know, the President has not asked for this authority and does not want it. He can speak for himself on that. But if he has requested this, it certainly is not known to this Senator. And I think I would know it, as ranking member of the Senate Foreign Relations Committee.

More importantly, Mr. President, the American people do not want Congress to “rob”—I use that word advisedly—the DOD budget to pay for aid to the Soviet Union. A poll from the August 30 edition of the Wall Street Journal said that 63 percent of the American people disapprove of taking DOD money to fund foreign aid, period.

The taxpayers should know that this is a Democratic initiative. That is why this provision was in neither the House nor the Senate bills. It was simply invented during the House-Senate conference. It was done through the back door. Too much of that is happening these days with important pieces of legislation.

I can go back to the Interior appropriations conference report, when an unseemly act was committed to do damage to an important provision that was approved overwhelmingly by both the House and the Senate. But that is neither here nor there.

With respect to the DOD conference report, I have it on good authority that some members of the conference who opposed this giveaway were pressured into accepting it. Creating such a provision out of thin air in a conference is not my idea of democracy. I have a hope that the fledgling Democrats in what used to be the Soviet Union will not perceive that this is the way to do things—by slick dealmaking—because that is foreign to the concept of democracy.

Because the legislative process was subverted, as it has been, there was no debate in committee. Moreover, Senators never had an opportunity to debate the so-called merits of this provision on the floor of the Senate. And I think the Congress owes it to the American people to think long and hard before it sends \$1 billion of American taxpayers' dollars to the former Soviet Union.

At the very minimum, it deserves to be carefully considered.

Lest Senators misunderstand, neither I nor any other Senator opposes humanitarian relief, such as food and medical equipment, if that need is genuine. But let it be described as such, and demonstrated as such, before the relevant committees of Congress.

In short, Mr. President, this abuse of the legislative process is of major concern to me and should be to every other Senator. However, even more important is the logic of the entire proposal. If the Senate had debated this matter openly, such a giveaway proposal would have been demonstrated to be shortsighted and, in all likelihood, counterproductive.

If Congress really wants to help the Soviet people convert their socialist, command economy to a free market economy, it should not send the Soviet Union as it now stands one penny in economic assistance. America's foreign aid programs have a long and detailed record of failure. Let the Russian people and the people of the other Soviet republics make the transition to political and economic freedom on their own and in their own way. The American taxpayers should not and cannot bear the burden for them.

Mr. President, I thank the Chair, and I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate is to stand in recess.

Mr. ADAMS. Will the Presiding Officer be amenable to a unanimous-con-

sent request so that Senator CONRAD might ask for a colloquy, and then we will recess?

I ask unanimous consent that we might have 2 additional minutes.

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

OLDER AMERICANS ACT REAUTHORIZATION AMENDMENTS OF 1991

The Senate continued with consideration of the bill.

Mr. CONRAD. Mr. President, today I rise to express my strong support for reauthorizing the Older Americans Act of 1965. The Older Americans Act provides indispensable assistance that enables countless Americans to remain independent in their golden years.

The Older Americans Act provides a variety of social and community services which daily add to the quality of life for countless seniors throughout our country. It enables many older Americans, at risk of losing their independence, to live their own lives rather than enter institutions at a fiscal and human cost to themselves and to society. The act is people-oriented. Through it, scores of older individuals receive home-delivered and congregate meals every day, as well as nursing home ombudsman services and valuable employment opportunities. The act is the source for many elder abuse prevention activities, and for vital transportation funding for older individuals.

Because the act provides such essential services to our Nation's seniors, I introduced S. 1481, the Rural Older Americans Act Amendments of 1991 in an effort to better target those services to rural areas. S. 1481 addressed the fundamental needs and concerns of older Americans—health, housing, transportation, nutrition, and elder rights—with special emphasis on the needs of those who reside in rural areas.

Rural older Americans have traditionally been underserved by the act. According to a recent report by the Federal Commission on Aging, the total per-capita Federal expenditure for rural areas is \$9.04, while nonrural areas receive \$19.18. This disparity is simply too large to ignore. Consequently, my bill focused on better targeting the transportation, housing, nutrition, health care needs of older Americans who reside in rural areas. It also proposed several significant additions to the act relating to native Americans.

I am pleased that so many concepts I set forth in my bill have been included in the bill Senator ADAMS has brought to the floor today. I am also pleased that the committee has seen fit to include in its package of amendments an additional four amendments which I have advocated—amendments address-

ing rural transportation needs; the potential service-delivery contributions of community action agencies; information gathering as it relates to funding disparities between urban and rural areas; and the creation of several resource centers on native American elders.

Mr. President, because I will address these amendments at other points during debate on the bill, I wish at this point to focus my attention on the committee-reported bill.

Among the most important functions of the Older Americans Act is its emphasis on enabling older individuals to retain their independence. Not only do we save the Federal Government money by keeping people out of institutions, but we also add to the happiness and quality of the lives of countless individuals.

For this reason, I proposed a series of demonstration projects to determine how best to improve housing options for older adults—options like congregate housing with supportive services, adult foster care services, inhome services, elder cottage opportunity programs, and home sharing services.

The committee product builds on my proposal. It calls upon area agencies on aging to assist housing authorities and other organizations that provide housing to older individuals in expanding and developing adequate housing, support services, and living arrangements for older individuals. The bill also calls for additional legal assistance for older individuals who have problems related to income, health care, long-term care, nutrition, housing and utilities, defense and guardianship, abuse and neglect, and age discrimination.

These are excellent additions to the bill which I believe will add to the act's effectiveness at helping older Americans maintain their independence, rather than be subject to premature or unnecessary institutionalization.

Mr. President, good nutrition is a second major concern of the act. Many seniors have special dietary needs arising from health conditions, religious requirements, or ethnic backgrounds. Congregate nutrition services are designed to meet these special dietary needs, but they can only serve those older individuals whose needs are known. Consequently, I proposed to fill this gap by encouraging health care providers to coordinate with nutrition service providers to ensure that the special dietary needs of their elderly patients are met.

The committee bill goes even further. It requires the Administration on Aging to employ at least one full-time national dietary professional. The dietary professional will have a variety of duties, not the least of which includes designing, implementing and evaluating nutrition programs, and developing model menus and other appropriate materials for serving special popu-

lations. In addition, it calls for the commission to work with the Secretary of Agriculture to establish guidelines to ensure the efficient delivery of high-quality congregate and home-delivered nutrition services.

A third essential function of the Older Americans Act is its protection of the legal rights of older Americans—both in urban and rural areas. And like my friend from Washington, I believe that elder rights are so important as to merit increased attention and emphasis within the act. Consequently, title I of my legislation proposed creating a new title for the Long-Term Care Ombudsman Program and the elder rights, legal assistance, outreach, and counseling programs under the act. And I am extremely pleased that the committee bill creates a separate elder rights title within the act, which includes the Long-Term Care Ombudsman Program.

The Ombudsman Program is designed to ensure that those who reside in long-term care facilities receive proper medical treatment and services. It provides for the swift elimination of poor conditions that jeopardize the health, safety, welfare, or legal rights of the facility residents, where they occur. And it has become a significant focus of the Older Americans Act.

I wish to commend Senator ADAMS for his commitment to elder rights, and for including the new elder rights title in the committee proposal. This new title will add immeasurably to the act, and the Senator from Washington deserves the lions share of the credit.

Finally, the committee bill contains changes that I proposed regarding Native American programs. First, it holds area agencies on aging accountable for providing adequate service to Indian people. Under the bill, any area agency on aging that does not fulfill its responsibilities to Native American elders faces losing a portion of its funds to an entity that will provide sufficient services. Second, it prevents existing tribal grantees under title VI of the act from having their funding reduced when new grantees enter the program.

The provisions in the committee-reported bill, together with the additional amendments that the committee is offering at my request, make S. 243 a bill that I am proud to support. I commend the Senator from Washington for his hard work on this important legislation, and urge my colleagues to support the bill.

I yield the floor.

Mr. President, earlier this year I introduced S. 1481, the Rural Older Americans Act Amendments of 1991. My bill proposed several changes in the Older Americans Act, including increased utilization of community action agencies to deliver services under this act.

Unfortunately, opposition by certain organizations that deliver various services under the act prevented the changes I advocated from being included in the bill.

Consequently, I am extremely pleased that the Senator from Washington finds acceptable my newest proposal regarding community action agencies. My amendment, which has been included in the committee package, provides for increased participation by community action agencies under the Older Americans Act. However, as the Senator knows, I would have preferred to place even more emphasis on the participation of these organizations. Community action agencies have a wealth of experience in providing assistance to the low-income population, and are particularly well-suited to target the act to individuals who most need its services.

While my amendment will help, I also believe it is important to make clear that community action agencies are eligible to participate under certain other aspects of the act. If I might have their attention of my colleague from Washington, it is my colleague's understanding that any reference in the act to nonprofit organizations would also refer to community action agencies. Is that correct?

Mr. ADAMS. My colleague from North Dakota is correct. Community action agencies are in excellent example of the nonprofit organizations referred to in the act.

Mr. CONRAD. So, for example, on page 138 of S. 243 as reported by the committee, the statement that a State agency on aging may carry out a program directly, or by contract or other arrangement with any public agency or other appropriate private nonprofit organization, would encompass community action agencies. Is that correct?

Mr. ADAMS. The Senator is correct.

Mr. CONRAD. Would my colleague agree that every effort should be made to coordinate service delivery under the Older Americans Act with community action agencies, given the fact that the agencies have such a wealth of experience working with low-income individuals? As my colleague from Washington knows, community action agencies have a long history of providing a variety of assistance to individuals in need—including low-income older Americans. It seems to me that the Federal Government could more efficiently target low-income individuals under the Older Americans Act by utilizing community action agencies more heavily.

Mr. ADAMS. As the Senator has stated, community action agencies do excellent work. I believe that community action agencies could—and do in many communities—provide an effective supplement to the fine work being done by other Older Americans Act service providers.

I also wish to take this opportunity to commend the Senator from North Dakota for his amendment. The Conrad amendment on community action agencies is an important addition to

the Older American Act, and I am pleased to be able to support it.

Mr. CONRAD. Mr. President, I wish to thank my friend from Washington for his kind words, and for the invaluable assistance he and his staff have provided throughout this process.

If I may, I would like briefly to discuss another amendment that I proposed which has been included in the committee's package of amendments. That amendment involves the disparity in Older Americans Act funding provided to urban versus rural areas.

An important purpose of my bill, S. 1481, was to highlight the need to better target Older Americans Act services to rural America. Rural areas are notoriously underserved by many Federal programs, including the Older Americans Act.

Rural areas frequently lack the assortment of service-delivery mechanisms that tends to be available in urban areas. Consequently, services like those available under the Older Americans Act can cost more to deliver. This is one of the reasons why I am so disturbed by the more than 2 to 1 funding disparity in favor of urban areas.

The Federal Commission on Aging recently issued a report showing that the total per-capita Federal expenditure for rural areas is \$9.04, while nonrural areas receive \$19.18. This disparity is simply too large to ignore, and must be addressed. Consequently, I urged the committee to require, at a minimum, that the actual disparities in funding between urban and rural areas be identified.

I am pleased that the committee has now included language that will force State agencies to give more consideration to the needs of rural areas by requiring State agencies to identify in the State plan the actual and projected costs of providing services to older individuals residing in rural areas.

Mr. President, my goal throughout this process has been to focus additional attention on rural areas—a focus I believe is more than justified. This issue is not urban versus rural. It is a matter of fairness to older Americans who live in rural areas throughout our country. And it absolutely must be addressed.

Therefore, I am pleased that the compromise has been reached. It will enable us to document the additional cost of providing services to rural areas. I am also pleased that my friend from Washington plans to request a GAO study on the cost of delivering Older Americans Act services to those who reside in rural areas, and I plan to join him in that effort.

By determining exactly where the act falls short as it relates to serving rural areas, we will be better able to target services to rural areas in the future. This is an extremely important provision for rural America, and I

thank Senator ADAMS for including it in the committee package.

I yield the floor.

Mr. ADAMS. Mr. President, I commend the Senator from North Dakota for his commitment to rural America. I believe the compromise adds an important element to the bill, and am pleased that we have been able to reach a compromise on this important issue. As the Senator knows, much of my own State of Washington is rural. And like the Senator from North Dakota, I want to ensure that my rural constituents receive an equitable share of the resources provided by the Older Americans Act.

Again, I thank the Senator for his efforts.

Mr. CONRAD. Mr. President, I thank the Senator from Washington. I am pleased that the Senator shares my concern about the fair allocation of funds to rural areas. And I appreciate the Senator's assistance with this issue.

Mr. President, today I rise to express my strong support for reauthorizing the Older Americans Act of 1965, and to recognize Senator ADAMS for his leadership role in drafting this legislation. This act guarantees that older Americans will continue to receive the many valuable services which the Federal Government first extended to them more than 25 years ago.

In my rural older Americans amendment, I proposed demonstration projects to address the transportation needs of rural elders. As a former Secretary of Transportation, Senator ADAMS was sensitive to and supportive of these issues. This laid the foundation for legislation that Senator PRYOR and I have formulated that takes a more comprehensive view of senior transportation needs. It will be of great benefit to seniors throughout my State of North Dakota and all of rural America.

Mr. President, rural America has traditionally been underserved by many Federal programs. The Older Americans Act has been no exception. A recent study by the Community Transportation Association of America found that while less than one out of every seven Americans is elderly, nearly 40 percent of all rural transit riders are 60 or older. Regrettably, that same study showed that over one-half of the Nation's rural residents live in areas with no federally assisted public transit services, and, in many areas, transit services are in danger of being eliminated.

Mr. President, millions of senior citizens depend on public transportation for access to health care facilities and meal centers, and in order to shop for food, clothing, and other necessities. We have a duty to make sure that reliable public transportation for rural older Americans exists.

The legislation accepted by the committee addresses this inequity. Under

title IV of the Older Americans Act, it establishes a series of transportation demonstration programs, aimed at improving the mobility of—and transportation services available to—older individuals. These projects are innovative approaches to improving access to health care facilities and nutrition centers, developing comprehensive and coordinated senior transportation services, leveraging additional resources for senior transportation, and coordinating various transportation services. At least 50 percent of these grants will be designated to entities located in, or serving primarily, rural areas.

Mr. President, this legislation is important for all older Americans. I again wish to recognize Senator ADAMS for his efforts in drafting and guiding the Older Americans Act reauthorization through the Senate and to recognize Senator PRYOR for his assistance with the transportation initiative.

Mr. President, I rise to speak briefly about my amendment to the bill before us relating to the native American aging. At my request, the committee amendment includes language that will enable us for the first time to determine the specific needs of older native Americans.

S. 1481, which I introduced in July, proposed creating an Indian health data base in the National Institute on Aging. However, the Labor Committee chose to create a National Aging Data Center with no specific reference to native Americans.

I wholeheartedly support creating the new data center. However, the data collected by the Data Center should include information on issues of importance to native American elders. As things stand now, there is virtually no such information available from any source—public or private. And we will never be prepared to deliver the kinds of services that native American elders need unless we understand where the current system is falling short.

My amendment authorizes grants to create several resource centers on native American elders. The resource centers will gather information, perform and disseminate research, and provide technical assistance on issues and problems affecting older native Americans—issues like long-term and in-home care, elder abuse, health problems, and many others.

The grants will go to institutions of higher education that have experience dealing with such issues. In addition, the Commissioner on Aging is required to consult with organizations with special expertise in serving older native Americans, such as the National Indian Council on Aging and the Title VI Grantees Association, in determining the type of information to be sought from and activities to be performed by the resource centers.

The information collected by the resource centers will then be submitted

both to the National Aging Data Center and to the appropriate committees of Congress. And the result will be a much better informed Federal policy relating to older native Americans.

At this point, Mr. President, I wish to recognize the contributions of several of my colleagues in this effort. I am pleased to have been able to work closely with the Republican leader, Senator DOLE, as well as with Senator BINGAMAN and Senator ADAMS on this amendment. All of their contributions have played an important part in bringing us to this point today.

Mr. President, if I might just conclude by saying I commend the Senator from Washington, Senator ADAMS, for his efforts in this regard. It has been very important, I think, to a constructive conclusion that he has been willing to negotiate on a whole series of amendments that are now included in this act that are important to the rural parts of this country.

As the Chair knows, rural areas have been slighted in the past, and we have put together a package of amendments to try to ensure that the rural areas are treated on a par with the more urban parts of this country. I sincerely thank the Senator from Washington for his excellent efforts in that regard.

I yield the floor.

Mr. ADAMS. Mr. President, I thank Senator CONRAD, and I thank the Chair for his indulgence.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, as amended, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. AKAKA].

OLDER AMERICANS ACT REAUTHORIZATION AMENDMENTS OF 1991

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, before speaking on the subject of the Older Americans Act amendments, I ask unanimous consent that I may be permitted to yield to the distinguished Senator from Florida for the purpose of speaking for such time as he may consume as in morning business.

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

The Senator from Florida is recognized.

Mr. MACK. I thank the Chair.

[The remarks of Mr. MACK pertaining to the submission of Senate Resolution 218 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions."]

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join with my friend, Senator ADAMS, chairman of the Subcommittee on Aging, to urge that the Senate pass S. 243, the Older Americans Act Amendments of 1991.

This bill reauthorizes for another 4 years important programs to help meet the nutrition, health, and social needs of many older Americans.

While these older Americans may be eligible for services under a number of other Federal programs, since its enactment in 1965 the Older Americans Act has become the major vehicle by which federally supported nutrition and social services are organized and delivered to the elderly.

In the more than 25 years that the act has been in operation, it has been amended 12 times. With each amendment or reauthorization, Congress has attempted to improve the efficiency in delivery, as well as the variety of services, that are funded and made available for older Americans.

In the 1973 reauthorization, Congress established the area Agencies on Aging as the entities with primary responsibility for planning, coordinating, and advocating services for the elderly. In 1975, additional supportive services, including transportation, in-home services, and legal services were designated as priority services under the act.

The 1984 amendments reflected a growing recognition that the act should target resources to meet the special problems of low-income and minority elders. Those involved in the aging network and in the day-to-day effort to serve the growing population of older Americans realized that special efforts were needed to ensure that older Americans in the greatest economic and social need would be served by the programs under the act.

How to identify and better serve low-income minority elders has remained a critical concern as the subcommittee held hearings as part of this reauthorization legislation process and focused on the problem of targeting services to low-income minority elders.

Mr. President, consideration of the 1987 amendments provided us another opportunity to participate directly in all phases of the process of amending and reauthorizing this act. It was a pleasure to work with our former colleague from Hawaii, Senator Matsunaga, in the hearings and the markup that led to a number of important improvements to the act.

Those 1987 amendments gave additional emphasis to the delivery of services to low-income individuals and required that their needs be addressed in all aspects of the planning and delivery of services by area and State Agencies on Aging. The special needs of native American elders were also given more attention under the 1987 reauthoriza-

tion, as the subcommittee recognized the unique and difficult circumstances confronting many native American elders.

Mr. President, as a member of the Subcommittee on Aging and the Senate Select Committee on Indian Affairs, I am very pleased that, as was done in 1987, the committee substitute amendment for reauthorization of the Older Americans Act includes the Native Americans Programs Act reauthorization legislation.

Among the purposes of the Native American Programs Act is the promotion of economic and social self-sufficiency for American Indians, Native Hawaiians, Alaska Natives, and Native American Pacific Islanders. The Administration for Native Americans awards grants on a competitive basis to Indian tribal governments and tribal organizations to strengthen governmental structures to allow greater control of tribal self-determination.

These social and economic grants enhance tribal capacity for stronger control of tribal resources, provide the flexibility for the development of diversified economies, and advance programs designed to protect the health and well-being of tribal members.

Last year, 215 financial assistance grants, 10 technical assistance grants, and 13 research projects were awarded. In my State of Mississippi, the Band of Choctaw Indians used grants provided under the program along with their own resources to develop the Choctaw Electronics Enterprise, the Choctaw Manufacturing Enterprise, two satellite Chata Enterprise plants, a shopping center, the completion of a reservation-wide demographic survey, a tribal tax commission, and the location of a volunteer fire station on the Pearl River Reservation. In addition, Native American Programs Act funding has established an Office of Cultural and Historic Preservation, the development of a Youth Council Program, and a Minority Marketing Program on the reservation.

Mr. President, I commend the leadership of Chairman INOUE and Vice Chairman MCCAIN of the Senate Select Committee on Indian Affairs for their leadership in developing the reauthorization legislation for the Native American Programs Act, and I want to express my strong support for its reauthorization as part of the Older Americans Act Amendments of 1991.

The Older Americans Act Reauthorization Amendments of 1991 is the product of numerous subcommittee hearings held both here in Washington and throughout the country.

It has been my experience, Mr. President, that field hearings are often a better vehicle for obtaining information on the real problems and issues confronting older Americans, and more importantly, on whether the programs are operating as effectively as Congress intended.

The need for and the importance of in-home services to many older Americans and the problems confronted by family caregivers was the focus of one of our field hearings in Mississippi. At that hearing, witnesses provided some important insights based on their personal, day-to-day experiences in caring for older relatives who would otherwise have been placed in institutions. It has been estimated that as much as 80 percent of all long-term care may be provided in this manner by informal, unpaid caregivers.

In recognition of this trend, S. 243 authorizes more in-home services for the frail elderly. In fact, the largest increase in authorization levels in the bill is in title III, part D for in-home services for the frail elderly. In addition, some new support services will be provided for caregivers who care for frail elderly family members at home. These new services include training, counseling, technical assistance, and information on how to obtain in-home and respite services.

Mr. President, S. 243 is a good bill which recognizes the special problems and needs of older Americans and continues and improves upon a number of programs that make a significant difference in the quality of many of their lives, and I hope my colleagues will support its passage.

Because, however, the committee, during the markup of this bill, added a provision suggested by one of our committee members to add additional benefits under a pension benefit guarantee program, this bill is in trouble as it comes to the floor of the Senate, Mr. President. If we do not take the provision out of the bill which authorizes an additional \$500 million of benefits that have not previously been authorized, which puts in question the consistency of this bill with the Budget Act and maybe lays a predicate for tax increases that have to be imposed upon employers and corporations to pay for these additional benefits, I am going to have to offer an amendment that strikes that provision from the bill.

AMENDMENT NO. 1312

Mr. COCHRAN. Accordingly, Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. HATCH, Mr. DURENBERGER, and Mr. DOMENICI, proposes an amendment numbered 1312.

Mr. COCHRAN. 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:

Strike all of title VII and redesignate accordingly.

AMENDMENT NO. 1313 TO AMENDMENT NO. 1312

Mr. COCHRAN. Mr. President, I send an amendment to that amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. HATCH, Mr. DURENBERGER, and Mr. DOMENICI, proposes an amendment numbered 1313 to amendment No. 1312.

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:

Strike section 702 and all that follows through section 712.

Mr. METZENBAUM and Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. METZENBAUM. Parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator from Mississippi yield for an inquiry?

Mr. COCHRAN. I will be happy to yield to my friend from Ohio for a parliamentary inquiry only.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, would the Chair be good enough to advise as to the right of a Member to send a second-degree amendment to his own amendment to the desk?

The PRESIDING OFFICER. The Senator does not have the right to offer a second amendment to his amendment unless some action has occurred on the first-degree amendment.

Mr. METZENBAUM. He has a right to?

The PRESIDING OFFICER. He does not.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I thank the Senator for raising the inquiry. Mr. President, I withdraw the amendment in the second degree that was previously sent to the desk.

The PRESIDING OFFICER. The Senator has that right.

Several Senators addressed the Chair.

Mr. DOMENICI. Will the Senator from Mississippi yield?

Mr. COCHRAN. Mr. President, I yield to the Senator from New Mexico.

Mr. METZENBAUM. Mr. President, parliamentary inquiry.

Mr. ADAMS. Parliamentary inquiry. Under the regular order, Mr. President, the Senator has proposed an amendment. At that point he loses his right to the floor. The Senator from Ohio was on his feet requesting that he make a parliamentary inquiry and be recognized. So a point of order: He cannot yield his time or position to an-

other Member. And we are going to have plenty of time that others can speak, but at this point the Senator from Ohio has the right to the floor.

The PRESIDING OFFICER. The Senator from Mississippi was recognized, and there was a parliamentary inquiry. And he yielded for the inquiry. The inquiry was made and the Senator from Mississippi retains the floor.

Is there objection to the Senator from Mississippi yielding the floor to the Senator from New Mexico?

Mr. ADAMS. Reserving the right to object, Mr. President. The point is that the Senator from Mississippi is entitled to the floor and is entitled to continue his statement on his amendment, but the point of order that is being raised is that he is not entitled, without intervening business, to offer a second amendment. So that the second amendment, as I understand it, has now been withdrawn; is that correct?

The PRESIDING OFFICER. The Chair advises that no point of order has been made.

Mr. ADAMS. I reserve the right to make a point of order on that. The Senator from Ohio was making a parliamentary inquiry on a point of order.

Mr. DOMENICI. Mr. President, no one has the right to reserve the right to make a point of order. There is no such rule in the Senate.

Mr. ADAMS. I reserve the right to object to the unanimous-consent request.

Mr. DOMENICI. Mr. President, there was no unanimous-consent request.

The PRESIDING OFFICER. There was not a unanimous-consent request.

Is there objection to the Senator from Mississippi yielding to the Senator from Mexico?

Mr. METZENBAUM. Objection.

The PRESIDING OFFICER. Objection is heard. The Senator from Mississippi has the floor.

Mr. COCHRAN. Mr. President, as I understand the parliamentary situation, I do not know that there is any kind of chicanery or clever one-upmanship being attempted here, certainly not on the part of this Senator. If I could just explain what the purpose of the amendments are—the amendment that is now pending before the Senate—I think it will satisfy the curiosity of Senators about what we are trying to accomplish here.

As I pointed out in the closing of my remarks on the subject of this legislation, because of the inclusion of a provision in this bill dealing with pension guarantee benefit funds, which was offered in our committee markup by the distinguished Senator from Ohio, Senator METZENBAUM, very serious concerns have been raised about the impact of that legislation on the financial integrity of the Pension Guaranty Corporation and the entire administration of that fund.

The amendments that I am seeking to have considered by the Senate as the

first order of business will deal with that provision of the bill. As far as I know, there is no real controversy about any other parts of the Older Americans Act. But this provision is very controversial, and it was our hope and our understanding when we came to the floor to bring this bill up that the first order of business would be an amendment to strike this provision.

It is important that we get a vote on that provision and that we not permit that amendment to be amended to prohibit us from getting a vote on that amendment. So the purpose of the second-degree amendment was to ensure that that would be the only issue before the Senate.

Now, I am prepared at this point and attempted to yield to the Senator from New Mexico for the purpose of offering a second-degree amendment that I sent to the desk and attempted to offer.

Mr. METZENBAUM. Mr. President, will the Senator yield?

Mr. COCHRAN. That is the only thing being attempted here, and I hope Senators will permit us to put the issue clearly before the Senate and let us deal with that issue. That is the purpose of the amendment.

Mr. METZENBAUM. Mr. President, will the Senator from Mississippi yield for a question?

Mr. COCHRAN. I will be happy to yield to the Senator from Ohio for the purpose of a question only.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. The Senator is not aware of the contents of either the first-degree amendment or the second-degree amendment, and I certainly respect my colleague from Mississippi and his representation of what they contain. The Senator from Ohio, who is the author of the amendment that is in the bill, has no problem—as the Senator from Mississippi knows. I said that to him the other day when we met each other in the hall.

Would the Senator from Mississippi be willing to agree—I gather that the language of the first-degree amendment and the second-degree amendment is to strike the language having to do with the 40,000 pensioners, is that correct?

Mr. COCHRAN. It is the provision—I will respond to the distinguished Senator. It is the provision offered by the Senator in the markup of the committee dealing with pension benefit funds.

Mr. METZENBAUM. That being the case, with or without a second-degree amendment, would the Senator from Mississippi be willing to agree after we get a chance to examine the amendment, to a time limit as to when we would vote upon the amendment of the Senator from Mississippi?

Mr. COCHRAN. Mr. President, I am happy to respond that I am not able to predict how long debate on this amendment will take. I do not intend to de-

bate it that long, but a number of Senators have expressed to me a desire to speak on this issue. In a conversation I had with the distinguished chairman of the subcommittee a minute ago, I estimated that it would be at least 5 o'clock this afternoon before all time had been used by those who had expressed to me a desire to speak, and that is purely an estimate on my part. But I would not be able to agree that that time or any other time specifically would be a cutoff time for discussion of the amendment.

Mr. DOMENICI. Will the Senator yield to me for a question?

Mr. ADAMS. Will the Senator yield?

Mr. COCHRAN. I will be happy to yield to the Senator from New Mexico. I yield for an inquiry.

Mr. METZENBAUM. For a question only.

Mr. COCHRAN. After I yield to him, I will come to the Senator.

Mr. METZENBAUM. Without a second degree being offered.

Mr. COCHRAN. I am going to yield to him and then come back to the Senator from Ohio.

Mr. DOMENICI. That is correct. There will be no second degree.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. COCHRAN. I yield to the Senator from New Mexico.

Mr. DOMENICI. Let me say to my friend from Mississippi, I do not think we should be terribly worried about this. We are going to get a vote on the amendment or a motion, up or down. The Senator from Ohio is a brilliant strategist, but he cannot get a bill passed without us having that right.

Mr. METZENBAUM. I want the Senator to have a vote.

Mr. DOMENICI. Fine. Why not talk about the fact we are going to have an amendment, nothing fancy about it, to a piece of a bill to strike it out, is that correct? Is that what the Senator wants to do?

Mr. COCHRAN. The purpose of the amendment sent to the desk is to strike the provision offered by Senator METZENBAUM. The second-degree amendment simply filled the tree, in the parliamentary language of the Senate floor, to prevent someone on this side or someone on that side from offering an amendment that brought up a completely different subject, which any Senator would have the right to do. And so that was the purpose of the second-degree amendment, to guarantee that that would be the issue before the Senate this afternoon, we could debate it and vote on it. That is the purpose.

Mr. DOMENICI. I was just inquiring whether the Senator thought the Senator from New Mexico might be able to speak in a few moments. I have a conference and I will not be here.

Mr. ADAMS. Maybe we can do this by—will the Senator yield for a question?

Mr. COCHRAN. I will be happy to yield for a second.

Mr. ADAMS. Maybe we could do this by a unanimous-consent request which would state that the Senator's amendment shall not be subject to further amendment, and then, if he can estimate a time, we would agree to vote on it at that time. And that way the Senator will have his amendment up, it will be protected, the Senator from New Mexico can speak, and we will vote then.

We will vote on the amendment at a particular time. We will know we have the whole package together. I would be very happy to agree with the Senator on that.

Mr. COCHRAN. I would be happy to consider agreeing to that. I see no reason now why I could not agree to that.

Let me yield at this point to the Senator from Ohio who requested that I yield to him for a question only.

Mr. METZENBAUM. I wanted to be certain what the amendments were.

Mr. COCHRAN. I cannot understand why the Senator could not have a copy. I have a whole basketful.

Mr. METZENBAUM. I now have a copy.

It is my understanding that you actually cannot amend a motion to strike in this manner, but I frankly do not care because I know what the objective is. That is to strike the provisions of the bill that have to do with the Metzenbaum amendment having to do with the 40,000 pensioners.

I have no problem about going forward with that. I just would like to get a time agreement as to when we vote, whatever is the choice. Two hours?

Mr. COCHRAN. Let us take one step at a time. If we could get the amendment before the Senate in a way in which it will not be permitted to be amended any further, then we can debate that for a while and see how we go on the time. That is what I would hope.

Mr. ADAMS. Will the Senator allow me to propound a unanimous-consent request to the Chair and maybe we can do this?

Mr. COCHRAN. I think what we should do is discuss it first before we propound it.

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

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

ORDER OF PROCEDURE

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the Senator from Nevada be recognized for the purpose of addressing the issue in this bill, and that immediately thereafter the body return to the quorum call.

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

Mr. REID. I extend my appreciation to the Senator from Ohio.

Mr. President, the Older Americans Act has improved the lives of our Nation's elderly in many ways over the past 25 years. It has created a variety of critical social services ranging from neighborhood senior centers and meals on wheels programs to long-term care ombudsman and legal assistance services. As a member of the Special Committee on Aging, I am deeply committed to reauthorizing the act so that it may continue to assist older Americans in maintaining their independence and dignity.

I want to take this opportunity to thank my colleague, Senator ADAMS, the chairman of the Committee on Labor and Human Resources Subcommittee on Aging, as well as the ranking minority member, Senator COCHRAN of Mississippi, for their fine work on this very vital legislation. I would also like to thank the distinguished chairman of the Labor and Human Resources Committee, Senator KENNEDY, and ranking Republican member, Senator HATCH, for all their efforts to ensure the success of this bill.

I am particularly pleased to see that the legislation before us today incorporates music therapy provisions based upon a bill that I introduced, S. 1723, the Music Therapy for Older Americans Act.

Specifically, the Labor and Human Resources Committee amendment authorizes each State to fund music therapy services under their individual plans. This is not a mandate, but an option for States which would benefit their elderly populations. The committee amendment also authorizes research, demonstration and training programs in music, art and dance therapies.

These amendments were expanded to include art and dance/movement therapy in a number of provisions requested by the ranking Republican on the full committee, Mr. HATCH. I want to commend the Senator from Utah for his leadership on this issue, and to express my full support for these provisions.

These amendments were developed based on testimony given at a hearing I chaired of the Special Committee on Aging in August. A number of expert witnesses testified that music can reach elderly people with diseases such as Alzheimer's, even when no other therapy was effective. Dr. Oliver Sacks, the author of "Awakening," and the man who is played by Robin Williams in the award winning movie "Awakening" testified that even the catatonic patients depicted in the movie based on his book would respond to music by singing and dancing. These patients were otherwise frozen in time.

Mr. President, the cases that we heard where people were helped by music therapy are innumerable. I learned about this in a very personal way. A former staffer of mine, one of my press people who helped me in my Nevada office, by the name of Dana Gentry, who now lives in Las Vegas, told me that using music is the only way to communicate with her grandmother, whose mind has been lost to Alzheimer's disease. I would like to read a portion of a letter I received from Dana about her grandmother.

I love Grandma deeply and feel robbed by whatever demon has stolen her mind. Reaching back through the years I thought of the times when she held me in her arms and sang to me. Kneeling beside her wheelchair I sang our song directly into her ear. It was "True Love" from the musical "High Society."

At first it was just a slight glimmer of recognition I noticed on her face. I was thrilled by that. And then she joined in. * * * She sang the entire song, every word, and in harmony. In the end as tears rolled down my cheeks, she cried too, as if for the moment she realized her accomplishment.

We sing at every visit now. Sometimes when she sings I have her back, if only till the end of the song.

Mr. President, the reason this is so remarkable is that Dana's grandmother at no other time speaks a word. She cannot call her granddaughter by name.

She does not even recognize her own daughter, Dana's mother. Yet, she can sing a song and sing it well, word for word. Although we cannot now cure Alzheimer's patients, Dana's story illustrates that music remains one of the best tools we have to reach them, and understand them, and to understand the disease.

Another case, Mr. President, typical of many, that comes to mind was explained to the committee by Dr. Sacks. An older woman suffered trauma to her left leg, leaving it paralyzed and useless, even after the surgery.

Dr. Sacks—who is, in addition to being a noteworthy author, a renowned neurologist—asked her if her leg had ever moved since the injury. She thought and responded, yes, it had once involuntarily "kept time" at a Christmas concert when an Irish jig was being played.

As a result of that, Dr. Sacks, recognizing that her leg would move under certain situations, began a program of music therapy playing Irish music. Mr. President, it worked. Today, she has full use of that limb and walks with ease.

Even where physiotherapy had failed with this woman, the far less expensive use of music therapy succeeded in getting her out of a wheelchair. Given such extraordinary achievements in music therapy, I believe we should more fully explore its role in treating older Americans. A small Federal commitment to music therapy can be accomplished without breaking the budget, and it is likely to prove to be a

cost-effective alternative to more expensive medical treatments and even institutionalization.

This, Mr. President, then is important legislation, and we need to understand how serious this legislation is. A number of my colleagues have joined as cosponsors of this bill, including the distinguished Republican leader, Mr. DOLE, the ranking minority member of the Special Committee on Aging, Mr. COHEN, and nine other Senators.

I urge all my colleagues, especially those who will serve on the conference committee of this bill, to join me in assuring that each of these provisions relating to music therapy remain in the final reauthorization package. I have spoken with my good friend, the chairman of the Subcommittee on Human Resources in the House, the Honorable MARTY MARTINEZ of California, who has assured me that he will look favorably upon these music therapy provisions.

Again, I commend the able chairman of the Aging Subcommittee, the Senator from Washington, for his exemplary work in preparing this bill to ensure the continued success of the Older Americans Act.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of the pending bill, S. 243. And I again extend my appreciation to those involved in this parliamentary matter now on the floor for yielding so that I can make this statement, and I think Senator METZENBAUM.

The PRESIDING OFFICER. Without objection, the Senator's name will be added as a cosponsor.

Mr. COCHRAN. Mr. President, I ask unanimous consent that during the pendency of amendment No. 1312 no amendment be in order to the language proposed to be stricken.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I thank the distinguished chairman of the subcommittee, and also the Senator from Ohio, for agreeing that we can proceed to deal with this issue and this issue alone. It deals with the language in the Older Americans Act that was put in there by an amendment of the Senator from Ohio [Mr. METZENBAUM] during the full committee markup of the bill.

What concerns this Senator, and others as well, is the fact that this amendment jeopardizes the enactment of this bill that we are considering today, and it does so because of the threat to the integrity of the pension guaranty fund that protects pension benefits under the ERISA law that was enacted in 1974. It is such a serious threat, Mr. President, that the Secretary of Labor will recommend to the President of the United States that he veto this bill with that provision still in it.

So we need to confront that issue this afternoon and deal with it. The

Senators who are going to be voting on this bill need to be advised that we have a bill that is fatally flawed. It cannot be enacted, unless we take out this provision that was put in by committee—with good intentions, I am sure—in an effort to deal with the problem that exists because of some shaky pension funds and some benefits that have been lost, but were never guaranteed or never protected by current Federal law. That is the issue.

Should we, on the Older Americans Act, provide a new authorization, which is in the nature of an entitlement, for pensioners to have benefits protected that have never before been protected by Federal law? The end result will be a necessity to pay for those protections, which could result in exposure for benefit payments by the corporation that has the responsibility under the law for administering this program.

Therefore, we could be writing into the law a tax increase on those employers that now have to pay into that fund to guarantee the protection of current beneficiaries, pensioners whose benefits are already protected by Federal law.

So everybody will understand one of the practical consequences of this, a table was given to me just a moment ago showing all of the States in the United States where there are already constituents in the thousands who are protected by the current pension law, whose benefits will be jeopardized if this amendment is kept in the bill, if the Metzenbaum amendment is not stricken.

At this point, I ask unanimous consent, Mr. President, that a copy of this estimate of active participants be printed in the RECORD.

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

*Estimate of active participants¹ in PBGC
INSURED PENSION PLANS BY STATE*

State:	Constituents (thousands)
Maine	53
New Hampshire	188
Vermont	54
Massachusetts	538
Rhode Island	78
Connecticut	409
New York	1,549
New Jersey	862
Pennsylvania	1,259
Ohio	1,126
Indiana	601
Illinois	1,272
Michigan	1,049
Wisconsin	565
Minnesota	543
Iowa	378
Missouri	494
North Dakota	51
South Dakota	47
Nebraska	160
Kansas	226
Delaware	71
Maryland	380
Virginia	694
West Virginia	147

State:	Constituents (thousands)
North Carolina	580
South Carolina	296
Georgia	361
Florida	774
Kentucky	338
Tennessee	436
Alabama	316
Mississippi	185
Arkansas	137
Louisiana	370
Oklahoma	206
Texas	1,165
Montana	47
Idaho	73
Wyoming	36
Colorado	261
New Mexico	74
Arizona	225
Utah	104
Nevada	83
Washington	480
Oregon	269
California	1,983
Alaska	28
Hawaii	116

¹The estimates shown in this table only include persons covered by PBGC who are still in the workforce. In addition to active participants, the PBGC covers approximately 12 million retirees.

Source: Pension supplements to the May 1988, Current Population Survey.

Mr. COCHRAN. Mr. President, a number of Senators have suggested that they have serious concerns about this legislation. In addition to that, I have a letter which we received from the Secretary of Labor explaining the concerns of the administration, and that unless this legislation were amended to take out the Metzenbaum amendment, a recommendation would be made to the President to veto the bill.

Mr. President, I ask unanimous consent that a copy of this letter—addressed to the majority leader—dated October 15, from Lynn Martin, Secretary of Labor, be printed at this point in the RECORD.

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

DEPARTMENT OF LABOR,
Washington, DC, October 15, 1991.

HON. GEORGE MITCHELL,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: The Administration wishes to express its strong opposition to the proposed Pension Restoration Act, which the Senate Labor and Human Resources Committee added during markup of S. 243, the reauthorization of the Older Americans Act. The provision would require the Pension Benefit Guaranty Corporation (PBGC) to compensate individuals who lost vested benefits from pension plans that terminated before the 1974 enactment of the Employee Retirement Income Security Act (ERISA).

The Administration opposes this ill-conceived legislation, which would substantially weaken PBGC and has not received the consideration of any hearings or debate, because:

The provision would add at least \$500 million in liability to PBGC, which currently has at least a \$2 billion deficit. This deficit will continue to grow due to recent large pension plan terminations and court decisions limiting PBGC's recoveries against bankrupt companies.

The provision's \$500 million estimate may considerably understate its cost, because it appears to cover individuals who participated in terminated plans but have already received the full amount of pension benefits provided by their plans.

The provision would violate the pay-as-you-go requirements of the Budget Enforcement Act (BEA) by increasing direct spending without providing an offset. Despite the bill's attempt to circumvent the BEA by drawing down PBGC's Trust Fund and prescribing special accounting rules, the Office of Management and Budget would score a budget outlay effect. Accordingly, if the direct spending increase estimated by OMB were not offset by the end of the fiscal year, a corrective sequester would be triggered.

It would distort the current program by expanding federal pension insurance guarantees to individuals never covered by the program without a financing mechanism. This would threaten the security of the program that currently protects 40 million workers and retirees.

Administration of the proposal would be a nightmare. The provision would impose new and severe administrative burdens on the agency at a time in which its normal caseload is doubling and it is having to wrestle with a backlog of accounting and information systems problems. As a recent GAO audit showed, it is difficult to get good records on recently terminated plans. It could be impossible to get adequate records for plans terminated 20 to 30 years ago.

If PBGC premiums were increased to pay for the cost of this provision, employers would be discouraged from sponsoring defined benefit pension plans insured by PBGC.

A disastrous situation would be created if PBGC's guarantee were expanded, with no financing offset, at a time when PBGC's financial condition is deteriorating and more Americans than ever are relying on the Corporation's guarantees. In addition, the provision includes a financial test that PBGC must meet before it can pay benefits. If PBGC were not to meet the financial test, no benefits would be paid, thus making the provision a hollow promise to the elderly it purports to help.

Given the seriousness of these issues, the President's senior advisors will recommend that the President veto S. 243, unless the Pension Restoration Act is removed. The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program and that enactment of the Pension Restoration Act would not be in accord with the President's program.

Sincerely,

LYNN MARTIN,
Secretary of Labor.

Mr. COCHRAN. Mr. President, to illustrate the seriousness of this provision, I am going to read just one part of this letter. Senators may have copies of this letter, and I am sure that other copies are available. Here is the key paragraph, in my opinion:

A disastrous situation would be created if PBGC's guarantee were expanded, with no financing offset, at a time when PBGC's financial condition is deteriorating and more Americans than ever are relying on the corporation's guarantees. In addition, the provision includes a financial test that PBGC must meet before it can pay benefits. If PBGC were not to meet the financial test, no benefits would be paid, thus making the provision a hollow promise to the elderly it purports to help.

Mr. President, I think that is a very strong and compelling argument for voting to strike this provision. It really has nothing to do with the reauthorization of the Older Americans Act. It is a side issue. It is an important issue.

But it is not relevant and not really a part of the administration of this program that we are seeking to reauthorize today.

So I hate to see us put in jeopardy a lot of the programs, and some of the improvements in these programs, that are made in this bill, by having attached to it a provision that threatens to sink the ship. We cannot get this Older Americans Act signed by the President if we have this provision in it.

So I hope the Senate will look carefully at the provision, the language we are talking about, and vote in favor of our amendment to strike the Metzenbaum language.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, might I ask a parliamentary inquiry? Is the pending matter an amendment to strike the provision, the pension loser provision, from the act? Is Senator COCHRAN's amendment pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. DOMENICI. Thank you very much.

I will address the amendment in a few moments. I will not take long—just give a view on it, and, hopefully, return it to those managing it.

First of all, Mr. President, the Older Americans Act is a very good piece of legislation. This is an authorizing bill. We have built upon it over the years from the adoption of the first Older Americans Act and many millions of American senior citizens have benefited from the funding that follows this act. Many programs, many hundreds of programs, have been adopted, such as Meals on Wheels, and the like, for our senior citizens.

Many of the seniors in very rural areas, where it is most difficult to find a place where they can get together and enjoy each other and do things together that make their life a bit more joyful, were impossible before this act. Now resources are allocated to the regions and, clearly, you can have transportation, you can remodel facilities, you can build up the resources so that you have senior citizens centers in very small communities around the country.

So, obviously, the Senator from New Mexico is for this bill.

When you add the new things that have come to the Indian elderly of America under this bill, and others that have been incorporated in it over time, it makes the Senator from New Mexico even more enamored with the bill and more willing to support it. But I hope the Senate understands that if

we do not pass this bill because it goes to the President of the United States and he vetoes it, these programs are all going to be funded, they are already funded, they are in the appropriation law, and they are already on their way to the President.

So the programs are going to be funded for another year with or without this legislation, albeit, it is good to pass another multiyear extension. I hope no one thinks nor do I hope anyone runs around the country saying that all the senior citizens' programs are going to go by the board if this bill does not become law. If it does not become law, we have only one amendment to thank for its defeat and it is denial of legitimacy and that is the amendment by the distinguished Senator from Ohio on the pension program of our country and, frankly, I cannot believe, I cannot believe that the Senate will adopt it. I think unless it is a political issue that I do not quite understand, I do not know why Senator COCHRAN's amendment should not pass overwhelmingly, the amendment that takes out a Metzenbaum provision in this bill.

Let me first say for those who are concerned about farm price supports, for those who are concerned about Medicare, for those who are concerned about student loans, well, if we pass the bill with the amendment in it—and I will describe the amendment briefly shortly—but if we pass it with that amendment in it, then come the end of this fiscal year, the OMB Director is going to take a little known provision, the 5-year budget agreement. I guess we nicknamed it the minisequester of entitlements. Believe it or not, you have already voted fellow Senators to have entitlements, excepting for Social Security cut across the board, to pay for any new entitlement that is created that is not paid for.

So I cannot raise a point of order on this amendment because it has been doctored-up sufficiently that the Congressional Budget Office will not rule that this is a real entitlement. But interestingly enough, the Office of Management and Budget say it is. And for those who do not remember, the Budget Act said that when it comes time to decide whether you have an entitlement, new entitlement, that yields a sequester if you do not pay for it, what is conclusive?

Well, we decided that the OMB would be conclusive. They are the ones going to decide.

So all of you who support the Metzenbaum amendment and want to come down here and clamor for covering for pensioners who were not even—some pension people—who were not even part of the ERISA Program, whose pension had gone broke way before we ever had this law, and you want to come down and talk about equity, then I will submit the equity on our

side is that we do not want to see Medicaid care cut 2 percent, we do not want to see student loans cut 2 percent, we do not want to see farm supports cut 2 percent, but you put a \$500 million entitlement in for this program and that is about what you will get.

So, on the one hand, a little equity for those who say let us cover some pensioners who were not covered by their employers' plans years ago because the entire outfit went broke, let us put them in this plan anyway even though currently employers are paying for the current 40 million Americans covered, and it is a very fragile fund. I wish we could bring to the floor how fragile it really is. It, indeed, may be anywhere from \$2 to \$10 billion in the red itself. Just add some more to it, because we want to expand on a program you know we always expand on programs but this one does not even make any sense, when you start an insurance program at a certain time, and certain day, and covering certain companies to go back and say that really does not matter, even though it has been in existence 10 or 12 years we are going to go back and pick everyone else up and put them in.

It is sort of like an insurance program—you are covering everybody that has insurance, that has a certain risk, but then all of a sudden, let us cover them—5,000 or 6,000—that never were covered, and we do not know the risk—let us put them under the same kind of premium and you find out in a couple years the insurance company cannot pay its bills.

So, Mr. President, I do not think it is the right thing to do. I do not think we ought to take a very good senior citizens program, the Older Americans Act, I do not think we ought to put into that program a pension loser provision which will seek, as I understand it, to go back before ERISA was even created and add certain groups of pensioners who do not have a pension because their pension plan went broke—their company went broke—and say it really does not matter that we had a certain kind of collection, certain kind of fee paying going on to keep the trust fund solvent, we will just add these new people because it is, as some might say, a good thing to do.

I do not think this is a question of whether it is a good thing to do or not. The question is whether it is fair to 40 million people covered under the program, whether it is fair to Social Security Medicare recipients to have their program cut, whether it is fair to cut farm prices because of this, and even student loans, and the rest of the entitlement programs, save and except Social Security.

So I say to the senior Senator from Mississippi, I think you have a good amendment. I compliment the Senator on the bill which I think is a very good bill with few exciting new improve-

ments which have come about because each multiyear authorization finds some other areas we can work in. But I do not believe we should expect the President of the United States to sign a bill with the provisions that I have been describing in it.

So I hope that the Senate will understand that probably will not happen and will agree with the Senator to strike that provision.

I yield the floor.

The PRESIDING OFFICER (Mr. DIXON). The distinguished senior Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the Senator from New Mexico for his fine statement in support of the amendment and also for his kind comments about this Senator.

Mr. President, I ask unanimous consent that the Senator from Vermont [Mr. JEFFORDS] be added as a cosponsor of the amendment.

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

Mr. COCHRAN. Mr. President, I did not mention it when the amendment was sent to the desk, but the other cosponsors of the amendment include the distinguished Senator from Utah [Mr. HATCH]; the distinguished Senator from Minnesota [Mr. DURENBERGER]; and the distinguished Senator from New Mexico [Mr. DOMENICI].

The PRESIDING OFFICER. The distinguished senior Senator from Washington.

Mr. ADAMS. Mr. President, I would like to take just a few moments of time at this point to respond to the statements that were made by the Senator from New Mexico.

The question here is taking care of a very few people who suffered a great loss and who really helped create this program for the benefit of many others.

In the committee report, on page 111, it is set forth in great detail that this is not something that is going to cut Medicare or Medicaid or anything else for that matter.

I just want to read this one paragraph, which explains that you can pay for these 38,000 people—according to recent estimates by the committee that works with them, the Pension Losers Committee. These are older people. They are dying every day. That is one of the reasons that the Older Americans Act has a connection to them.

We are only talking of giving people who qualified after 20 years of service and whose pension plan went broke, \$75 for each of those years. So the maximum anybody could get would be \$1,500. If that person died, the spouse would get only half of that. And this is to be paid out of the pension fund that they created.

There are two funds, one which is paid by employees and employers as part of a pension fund into a trust fund that revolves. It is on-budget. And it revolves and it pays out to people.

There is another fund, the trust fund that is funded when the board itself takes over a pension plan. That is a trust fund. I want to read this paragraph:

The committee is aware of concerns raised by the PBGC with respect to the agency's financial ability to provide these benefits. The committee believes that the PBGC has and will continue to have adequate resources to provide this benefit.

This benefit is only \$51 million a year and I say "only" in terms of the enormous amounts that have been paid into this fund.

I will continue quoting from the report.

According to the PBGC's 1990 annual report, the PBGC has over \$3 billion on-hand assets and a positive cash flow of \$300 million a year. The PBGC is expected to maintain a positive cash flow throughout the decade. The PBGC's average return on investment—

That is return on investment—exceeds \$150 million a year.

Mr. President, we can pay for these people, their \$51 million, out of the return on investment alone. It does not even require that you go into the trust fund. You can pay it from the income they are getting on the amounts they have invested.

So the idea that this would produce a sequester and attack Medicaid or Medicare, or attack anyone else, is just not true.

There have been questions raised about the PBGC. If those questions are real, then a committee of the Congress ought to be looking at them. It means bad administration because this Congress has raised the amount of the funded pension plans—that is where you have a pension plan where everyone is paid for—a certain amount each year. They pay in for each employee a certain amount each year. That amount has been raised during the last few years. If the PBGC does not have enough money, we ought to look to see what they have been doing. That is why the Office of Management and Budget has not come up here yet with a letter.

I will tell you this, if I am going to be required, and the other Members of the Senate, to sit around here all afternoon to wait for a letter Senator COCHRAN and I are going to strangle the messenger when he gets here.

We are very pleased to have people debate this amendment. I have asked Senator COCHRAN for a time agreement and I will ask again in a few moments. This is something he is entitled to have a vote on, to have a vote straight up or down. I will move to table it if he wants that. I want him to have a vote on it and I want the Senate to go on record and I want anyone who wants to come over and talk about it to talk about it. If anybody wants to come and criticize the Department of Labor for the way they run this fund, or bring up any GAO reports, I want that to happen, too.

If it is true, I want the committee of this Congress that oversees it to go after those people. There is an enormous amount of money flowing into this fund above and beyond what is expected, by the investments that they make.

All we are trying to do in this case is to give to the people whose funds went broke after they had paid into it, and the companies had paid into it, they did not get covered by the very thing that they created. All of these people went out, and through their effort ERISA was passed in 1974. Then the very people who had been hurt were left out. All we are trying to do is help them.

We are well aware, and the Congressional Budget Office was well aware, of all of these things. The bill was going to come up last week and we postponed it a week. Some are trying to find out a way to say this in some way hurts the budget. It is another one of those trust funds where we have a lot of money. Sure the administration would like to keep it. It makes the deficit look a little better. But here it is so small it does not even help them much with the deficit because we are paying so much out in interest each year you could take a tiny piece of that to pay the \$51 million. And that is a top figure. That assumes all these people have 20 years in their fund, that they are all still alive, and that we will not have to be paying to survivors.

It is common decency we are talking about. \$1,500 a year is not going to make any of these people rich. It will help them, maybe a little bit, if they are lucky enough to have Social Security.

But I ask you to look at some of the people I know in my hometown, some of the people in the hometown where Studebaker was.

I have a list here. Maybe that is something we should put in the RECORD at this point, a list of the companies that had failed. What it shows is that throughout this country we had a problem. The problem was that in every State of the union there were earned pension benefits. These were part of their wages. They took that instead of wages.

For example, I have Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois. Let us take Illinois. Who went broke and who did not get their pension payments?

Allied Mills, American Store Co., American Zinc Co., Armour, Chicago Malleable Casting Co., Commerce Industrial Chemical, Crane Co., CWF Coal Co.—it goes on and on.

But there are not many of these people left. That is the whole point. There were not many that qualified under their plans. And out of that number, some have died. This is not any kind of an open-ended entitlement because each year there will be fewer of them.

We also have a provision in this bill that was put in by the Senator from Ohio that says if there is anything wrong with this fund—and if there is, I want somebody in this administration to pay for letting it happen, letting their computers go down, or having to pay out by hand and so on—these people come at the end of the line. So there is protection.

In other words, if there is not enough money, these people will not get the small amount that they would otherwise receive.

This is a good bill.

I want to pay my respects to the Senator from Mississippi, and give him my gratitude. He worked hard on this bill, as did the other members of the committee, to keep the good provisions that have been placed in this bill in the past, to try to protect people from the elderly abuse which was occurring. By elderly abuse we mean brutal things like the elderly being strapped into beds, or being given enormous amounts of drugs, just so they could be quiet and not live out their golden years in peace.

We have those provisions. I think everybody agrees on this bill. We have an argument about trying to help 38,000 people who got the ERISA bill passed originally with a limited benefit and with a protection of the people who are already in ERISA, if there is not enough money. They can pay it out of the investment money that they are receiving. They do not have to add any taxes. They do not have to add anything.

I think it is a good amendment and I hope we can get to a vote on it soon. If anybody wants to come over and talk on it, that is fine. Just come over and talk on it. I said to the Senator from Mississippi we are not going to sit around here in quorum calls all afternoon. If nobody wants to talk on this bill, we are going to go to a vote on it. And that is not to shut anybody off. I think everybody ought to be here and talk, and we ought to discuss everything possible on it. But we should not just wait and wait. We are past its authorization date. I am on the Appropriations Committee, as is the Senator from Mississippi. We do not like to be appropriating money for bills that are not authorized. So let us get this authorized and on its way.

I will yield the floor for now, but I see the Senator from Ohio is here. We are going to send out the word to all the offices, if you want to talk, come and talk because we want to go to a vote.

Thank you, Mr. President.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, first, I rise to commend the Senator

from Washington for his distinguished leadership in bringing this bill to the floor. He has fought tenaciously and hard to make this a reality and have us at the point we are.

There has been some discussion about the pension provisions that are contained in the Older Americans Reauthorization Act. The pension restoration provisions in this bill seek to partially remedy an injustice committed many years ago. One of the most important pieces of legislation enacted by this body is the Employee Retirement Income Security Act of 1974, more easily known as ERISA. That is its commonly known name.

ERISA established Federal standards to protect the pension benefits promised to millions of American workers and their families. The need for Federal protection of pension benefits grew out of the hardships faced by tens of thousands of men and women. During the 1960's and 1970's, large numbers of workers, upon reaching retirement age, were being told that their companies had never set aside the money promised for their retirement benefits.

The most often cited case is that of the Studebaker workers of South Bend. When Studebaker went out of business, there was not enough money in the pension plan to pay everyone's pension benefits. The active workers who had earned a right to benefits sacrificed their rights so that the workers who had already retired could continue to get their pension benefits. As a result, 11,000 older workers were left without pension benefits that they had worked 20 or 30 or 40 years to earn.

It was the hardships faced by workers like the Studebaker workers that led Congress to enact Federal pension protection standards. The Studebaker workers were not the only workers who lost their pensions. Workers and retirees in 38 States lost benefits.

Let me give you an idea of the number of States involved. About eight companies from Alabama, two from Arizona, many more from California, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Washington, Vermont, Virginia, West Virginia, and Wisconsin. Those workers are real people. They gave of themselves to their companies. It was not just one company in these States. In some of those States, there were 10 and 15 and 20 companies whose pension workers were left at the wayside.

ERISA did two things in response to what we learned from these workers. First, ERISA set standards for pension benefits, particular low, minimum funding requirements. And, second,

ERISA created a Federal agency known as the Pension Benefit Guaranty Corporation to guarantee the pension benefits promised to workers. Unfortunately, this is where the irony begins. Although ERISA was created because of the hardships faced by thousands of workers, it did not cover all of those workers. ERISA was made slightly retroactive but not fully retroactive. It took care of some people retroactively, but it did not take care of some others, and those are the ones to which we address ourselves in this amendment.

At the time ERISA was enacted, Congress had no idea how many workers had lost their pension benefits. It was feared that millions of workers would be eligible to file claims with the new Federal agency, which might not be financially able to handle such a large pool of workers.

And so ERISA was made partially retroactive but not fully retroactive. The workers of approximately 30 companies were lucky enough to come under the retroactive coverage of the Federal Government, but others were not so lucky.

In 1979, the Department of Labor conducted a study to determine how many workers lost their pensions prior to ERISA. The numbers were far less than expected. According to the Department of Labor's study, 67,000 workers lost their vested right to pension benefits. Today, over 10 years later, the number of surviving workers is less than 40,000, as the distinguished chairman has pointed out, 38,000. The average age of these survivors is 67. These people worked hard for their pensions. They gave of themselves. They put in their hours. They were there for years with their companies and, through no fault of their own, they are being forced to survive solely on Social Security. It is purely a matter of equity. It is a matter of common decency that they be covered.

For 10 years there has been an effort to correct this situation. Senator D'AMATO introduced legislation to remedy this injustice in 1981. I agreed to join him in the fight. We, along with Senators COATS, ADAMS, and KENNEDY, believed this injustice needed to be corrected. The provision included in the Older Americans Act is small but very important to the affected retired workers. Under the bill, workers who had a vested right to pension benefits would receive a benefit of \$75 a year for every year of service they worked up to a maximum of \$1,500 a year. That is what we are talking about, \$1,500 a year maximum for people who retired but cannot collect their pension; \$1,500 a year is hardly a lot of money, but to these older Americans who are surviving on Social Security, it will provide extra money for groceries and medical expenses.

This small cushion of money also represents a symbol. It tells these

hardworking individuals that Congress did not forget them. It recognizes that we made a mistake. We should have covered them under ERISA from the start. The bill provides some basic decency to 38,000 elderly Americans. The cost of these benefits is approximately \$38 million a year. That amount will decline each year as the pensioners pass away and will be paid out of an off-budget—off budget—PBGC trust fund. Therefore, according to the CBO, the Congressional Budget Office, there are no budget effects from this provision. The PBGC retains \$2 billion in off-budget funds. In addition, the PBGC earns annual investment returns averaging \$150 million on its assets, which more than pays for this small benefit.

I would like to address the concerns raised by the bill's critics. First, there are some Senators who object to providing a benefit to workers whose employers never contributed to the PBGC. But that is the situation as it exists now. That is the fact as we meet here today. While the PBGC is financed by annual premiums paid by employers, the premiums are put into one pool of money and are not allocated to individual employers.

The point that I make about that being the situation as it is today is that there are some of those who did not get their pensions who did not get in before the cutoff point, back about 3 months from the time of enacting the legislation. In doing this, in providing for these people, we are only helping those people from whom PBGC was created. The PBGC was established to back up the pension promises made by employers. The retirees who would benefit from this amendment fit into this definition. They are workers whose employers defaulted on their pension promises. It is not true that PBGC has only paid benefits to workers whose employers have paid premiums to PBGC. As I stated earlier, ERISA was made partially retroactive. So prior to the establishment of PBGC premiums, thousands of workers from 30 companies were covered by PBGC even though their employers had never contributed to the fund.

In addition, in the early years of the PBGC, many workers were covered by PBGC even though their employers had paid little or no premiums to PBGC.

During the first 3 years of PBGC's existence, 160 pension plans terminated and received PBGC coverage.

The bill's critics also argue that PBGC is not financially able to pay these benefits. That is not true. As of the end of 1990, PBGC had \$3 billion in assets, average investment returns of \$150 million and incoming premiums of \$700 million a year. The PBGC had a positive cash-flow of \$300 million in 1990 and is expected to maintain a positive cash-flow indefinitely.

In 1990, the PBGC claimed to have an accumulated deficit of \$1.8 billion. This

figure has limited significance for several reasons. First, over half of the deficit was for pension plan terminations that had not yet occurred. Second, the PBGC's liabilities are longterm. Assuming PBGC does have net liabilities of \$1.8 billion, this money will be paid out a little at a time over approximately 50 years. Furthermore, PBGC does not offset this liability against its incoming premiums. The PBGC has incoming premium revenue of over \$700 million a year. At that rate the PBGC will write off its deficit around 1997. This is exactly what Congress intended. In 1987, Congress significantly increased PBGC's premiums and enacted other reforms to reduce PBGC's potential liabilities. At that time, Congress calculated PBGC's annual premium, based upon data supplied by PBGC, in order to write off its deficit around 1997. Therefore, PBGC is exactly on the schedule Congress intended for it in 1987.

Furthermore, Congress again increased PBGC's premiums in 1990, a premium increase that PBGC said it did not need.

The bill's critics also claim that PBGC faces enormous future liabilities. This is highly unlikely for several reasons. Most notably, just last week, PBGC reached a major refinancing agreement with the LTV Co. LTV's pension plans have represented the major liability hanging over PBGC's head. The recent agreement relieves PBGC of \$3 billion in potential liabilities.

The PBGC did have to take over the Pan Am and Eastern pension plans, but their combined liability was less than that of LTV. These pension plans have been underfunded for a decade and Congress and PBGC have known for almost as long that they would have to be taken over.

Overall, pension plan funding levels continue to rise. In 15 years, pension plan funding has risen from 20 to 80 percent. The PBGC puts out a list each year of the 50 most underfunded pension plans. The overwhelming majority of these plans belong to financially healthy companies.

Only companies in bankruptcy can terminate their pension plans. Since the enactment of ERISA, there has existed a small group of troubled pension plans. We have always known these plans would one day terminate. But this group of troubled plans is not increasing. While no one can predict the future, PBGC's potential liabilities should continue to decline.

But in the event of a worst case scenario, the bill contains—and I emphasize this to my colleagues and particularly the manager of the amendment—a failsafe measure should PBGC's finances dramatically change. Under the bill, if in any year the PBGC's finances vary by more than 20 percent from its long-term financial balance, the PBGC may reduce the benefits under this bill.

I believe we have done everything possible to accommodate the concerns of the PBGC. This provision seeks to provide some basic humanitarian assistance to a small group of older workers who lost their hardearned pension benefits. The 38,000 elderly who would benefit from this bill worked hard their entire lives and deserve some basic decency.

The bill is supported by every major aging organization including the AARP, the National Council of Senior Citizens, and a host of other senior citizens groups.

Congress acts every day to provide money to alleviate suffering in this country and around the world. We can and should help this small group of older workers who lost their pension benefits. It will not have any impact on the budget. I urge my colleagues to support this basic pension provision.

The PRESIDING OFFICER. Has the Senator from Ohio concluded?

Mr. METZENBAUM. Not quite. Almost. Mr. President, I ask unanimous consent that a list of the companies that did not pay out earned pension benefits before 1974 and the States in which those companies are located be printed in the RECORD at this point.

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

COMPANIES THAT DID NOT PAY OUT EARNED PENSION BENEFITS BEFORE 1974

ALABAMA

Bemis Mill Co., Continental Gin Co., Kroger Co., Mead Corp., Robbins Floor Tile Products, Star Provision Co., Textron Textile Mill, Woodward Iron Co.

ARIZONA

Miami Mines Copper Co., R.M. Houda Co.

CALIFORNIA

Axelsson Mfg., Bosie Cascade, City of Paris Co., Display Mart, Dunham, Carrigan & Hayden, Frank, Tannery, Cannon Electric, Hazel Atlas Glass, Jackson Furniture, Krieg Clothing Co., Lennen & Newell, Long Beach Naval Shipyard, Motor Products Corp., Raymond Lumber, Schermerhorn Bros. Inc., Studebaker Pacific Corp., Wesco Merchandise Co., White House Department Stores,

CONNECTICUT

Adley Express Co., American Woolen Mill, Branford Malleable Iron Fittings Co., Conde Nast Press, Conn. Railway & Lighting, Edward & Hickey, Fitzgerald Mfg. Co., General Gilbert Factory, Goodyear Rubber Footwear Co., Hart Mfg and Oak Electric Co., Hendey Machine Co., Kasden & Sons, Landers, Frary & Clarke, Liggitt Drug Co., Majestic Laundry, Malbro Iron Co., New England Alloy Castings Co., Poneniah Mills Textile, Singer Mfg. Co., Underwood Olivetto Typewriter Co., Voos Industries, Wallace Silversmiths, Waterbury Mfg., Div. of Chase Brass, Watertown Mfg., Co., Whadoms & May Construction Co.

DELAWARE

Pusey & Jones Mfg. Corp.

FLORIDA

Aerodex Inc., Chase Brass & Copper Co., Everglades Fertilizer Co., Gibbs Shipyard Co.

GEORGIA

Claussen & Sons, Genesco

IDAHO

Railway Express Co.

ILLINOIS

Allied Mills, American Store Co., American Zinc Co., Armour, Chicago Malleable Casting Co., Commerce Industrial Chemical, Crane Co., CWF Coal Co., Diamond Match Co., Edgewater Laundry, Forest Oil Co., Fullerton Motor Truck Service, Gordon Bakery, Gubrauson Co., Houdoille-Hershey, Inland Banana Co., Mangus Metal Division of NL Industries, Maremont Corp., Maxwell Brothers, Inc., Mead Co., Mercantile Mortgage Co., Miller & Hart Meat Packing, Nachman Springs Corp., National Enameling Co., National Car Loading Corp., Packard Motor Car, Radio Condenser Co., Raymond Div. of Combustion Engineering, Rock Island Motor Transit, Roper Co., Roth Moor, Standard Forgings Co., Swift & Co., Weaver Division of the Dura Corp. Wilson & Co.

INDIANA

American Kitchens, Angell Mfg. Co., Chicago & Calumet District Transit Co., George J. Mayer Co., Hosier Cardinal, J.J. Newberry's, Kahn Tailoring Co., Pierce Governor, Pullman Standard Car Co., S.F. Bowser Co., Seluxe Products Corp., Shore Line Transit Co., Studebaker.

IOWA

American Cynamid, Armour & Co., Unger Baking Co.

KANSAS

Dixon Mfg. Co., Eagle News, Lehigh Portland Cement, Patterson Bakery Co., U.S. Gypsum Co., Patterson Bakery Co.

KENTUCKY

Electric Auto Lite, JW Ford Co., Louisville & Nashville Railroad Co., Louisville Textiles Inc., Purcell Dept. Store, Red Top Brewing, Sutcliffe Sporting Goods

LOUISIANA

Jackson Brewery

MARYLAND

Armour & Co., Balmar Corp., Continental Can, Corkran, Hill & Co., Crown Cork & Seal Co., Cumberland Brewery, Formica Corp., NY Central Iron Works, Owens Yacht Co., Peck & Peck Co., Revere Copper & Brass, Simkins Industries, Inc.

MAINE

Eastern Fine Paper Co., Standard Packaging Corp., The Lockwood Co.

MASSACHUSETTS

Columbia Precision Corp., Hyster Co., Lewis-Shepard Division, Perkins Machine & Gear Co., Staveley Machine Tool, Valley Paper Co.

MICHIGAN

American Broach, Central Specialty Co., Clark Equipment Co., Colonial Broach and Machine Co., Commonwealth Brass, Federal Mogul Corp., Gar Wood Industries, Georgia Pacific Co., Hayes Mfg. Co., Hillsdale Steel Products, Holley Carburetor Co., Hudson Motor Car Co., Hurde Locke Co., Jarecki Tool and Die, L.A. Young Spring & Wire, L.O. Goardan Mfg. Co., Lakey Foundry, Lufkin Rule Co., Maremont Corp., Michigan Brass Co., Michigan Express Co., Michigan Surety, Morton Mfg., Motor State Products, Murray Corp. of America, Muskegon Motor Specialty Camshaft, Norge Refrigerator Division, Borg Warner Corp., North Range Mining Co., Packard Motor Car Co., Peoples Outfitting Co., Pressed Metals of America, Inc., R.C. Mahon Co., Republic Steel, Sparks-Wirthington Co., Spartan Corp., Sunstrand American Broach & Machine, U.S. Register Co.

MINNESOTA

Abex Corp., Amsco Division, Cudahy Packing House, Franklin Creamery, Marshall Willis Hardware Co., Minneapolis-Moline, Peter's Meats, St. Paul Milk Co., Sunshine Biscuits, Swift & Co., W.H. Sweeney & Co., Walgreen Drug Company Warehouse, White Motor Company

MISSOURI

American Stores Co., Bemis Brothers Bag Co., Black, Sivals, Bryson Co., Consolidated Underwriters Co., Elder Mfg. Co., Endicott Johnson Co., International Shoe Warehouse Co., Johnson, Stevens and Shinkle Shoe Co., Kearney Corp., Magic Chef Stove Co., Quick Meal Stove Co., Rice Stix Mfg. Co., Samuel Shoe Co., Shapleigh Hardware Co., Sterling Aluminum, Swift & Co., White Baking Co., Wolff Shoe Mfg. Co.

NEW HAMPSHIRE

Bates Shoe Co., Franconia Paper Coop., Marcalus Mfg. Co., Ware Knitters Co.

NEW JERSEY

American Hard Rubber Co., Botany Mills, Conklin Mfg., Dugan Bros., Emerson Radio and Television, Esterhook Pen Co., Kresge Dept. Stores, MW Kellogg, National Biscuit Co., Owens Glass Co., P. Ballentine Brewery, Raybestos-Manhattan Inc., Singer Co., Store Right Products, Tenneco Corp., The Weisbock Corp., Tube Reducing Corp.

NEW MEXICO

Riley Stoker Plant, U.S. Borax

NEW YORK

Anstice Foundry, Art Metal Corp., Baker Smith & Co., Bert & Co. Department Stores, Breakstone Foods, Buffalo Bolt Co., Dugan Bros., E & W Contracting, Easy Washing Machine Co. Edwards & Son, Inc., EW Edwards & Sons, Exeter Paper Co., Farmingdale Laundry, Inc., Gifford Wood Co., Goodbody & Co., Hazel Atlas Glass, Hoffman Beverage Corp., Horn & Hardart Retail Co., International Paper Co., Kimberly Clarke, Livingston & Co., Mallinckrodt Chemical, National Biscuit Co., Perry Smelting Co., Reeves Instrument Co., Div. of Dynamic Corp., RKO Radio Pictures, Rupperty Brewing, Sylvania Electric Co., Tandy Hickok Mfg., Vassar Bay Co., Whalen Drug Inc., Wollensak Optical Co.

OHIO

Electric Auto-Lite, Herbrand Division, Van Norman Industries, Hon Industries, Marion Power Shovel Co., National Casting Co., Standard Pipe Protection, Norris Industries, Fire & Safety Equipment, Textron Inc., Fanner Mfg. Co., W.J. Shoenberger Co., Warren Slag Co., Youngstown Steel Car, Youngstown Hard Chrome Plating & Grinding.

OKLAHOMA

Eagle-Pitcher Smelter.

OREGON

International Paper Co. Mill, Portland Woolen Mills, Timber Structures Inc.

PENNSYLVANIA

American Cynamid, American Manganese Bronze Co., Curtis Publishing Co., Duquesne Brewing Co., Elkland Tannery, Horn and Hardarts, Hudson Coal Co., Lee Rubber & Tire Co., Linear Rubber Inc., National Distillers Products Corp., U.S. Textile Corp., Westcott & Thomson Inc.

RHODE ISLAND

Coats Patrons Ltd., Crown Fastener Division, U.S. Phillips Trust Cryogenic Division, Uniroyal, Woonsocket Spinning Co.

SOUTH CAROLINA

Southern Coal & Coke Co., Waurusuta Mills.

TENNESSEE

A. Grane Co., American Bemberg Corp., Louisville & Nashville Railroad Co., Southern Coal & Coke Co.

TEXAS

Alamo Iron Works, Houston Packing Co., Murray Company of Texas, Inc., Oak Cliff-Golman Baking Co., The Murray Gln Co., Walker-Neer.

UTAH

American Oil Co., S.H. Kress Co.

WASHINGTON

Simpson Lee Paper Co.

VERMONT

Wirthmore Feed & Grain.

VIRGINIA

Industrial Rayon Corp., Sikes Co. Furniture Mfg., Virginia Woolen Co., Viscose Silk Mill.

WEST VIRGINIA

Barium Reduction Chemical Plant, Burlington Mills, Continental Can Co., E.I. du Pont de Nemours & Co., Fletcher Enamel, Gravelly Tractors Inc., Hazel Atlas Glass Co., Mattheissen & Hegeler Zinc Co., McNicol China Co., McNicol Pottery Co., Owens Glass Co., Pittsburgh Plate Glass Co., Gilman Paper Co., Pittsburgh Plate Glass Co., Plate Chemical, Wilson Coal Co.

WISCONSIN

B.D. Eisendrath Tanning Co., Bowey's Inc., Climatrol Corp., Crane Co., Crosby Square Shoe Co., Fox Head Brewing Co., Geary Gorton Machine, George Gorton Machine Co., Gisholt Machine Co., Kearney Trecker Corp., La Crosse Trailer Corp., Le Roi Division, Lindemann & Haverson, Co., Lippmann Engineering, Mills Industries, Northern Casket Co., O'Henry Candy Co., Omar Bakeries, Plankington Packing Co., Rock River Woolen Mills, Schuster & Co., Shoe Company of America, Simmons Bedding Co., Simplex Shoe Co., Sivyer Steel Co., Standard Foundry, Standard Foundry, Sterling National Industries, Swift & Co., Warner & Lambert Pharmaceutical Co., Worden-Allen Co.

Mr. METZENBAUM. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio yields the floor. The distinguished Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I certainly rise in support of the bill which is before us. I have been working on the Older Americans Act in committee for some 17 years now, and I do not think there is any piece of legislation that has done more to help a group of citizens with least cost to the Government than the Older Americans Act. I am proud of many provisions in there which I have worked on, especially in the nutritional area. So I want it clearly understood before I start that I strongly support the reauthorization of the Older Americans Act.

Mr. President, I rise today in support of the reauthorization of the Older Americans Act. Since 1965, this act has helped older persons live as independently as possible by providing a variety of social services such as congregate and home delivered meals, funding for training, research and demonstration activities in the field of aging and job programs for low-income workers.

As the baby boom generation grows older and the average life span is longer than in the past, providing support services for this segment of the population is increasingly necessary. This reauthorization improves upon existing programs, employs new methods of treatment and continues to explore ways of improving services.

I am pleased that the act has authorized special demonstration and support projects for implementing the Pepper Commission recommendations for long-term care. Information made available from these projects will be disseminated through the existing aging network encouraging a seamless system to access long-term care. This information will make it easier and less expensive for older Americans to find and receive the specific type of care that they need.

Many Vermonters were concerned with a proposal to mandate cost sharing for meals in title III of the bill. I am pleased that the final bill does not include such a measure.

Over the past 10 years, voluntary individual contributions to these programs have risen from \$79 million to \$179 million. This outstanding voluntary support shows the importance of nutrition and companionship through this program to our older Americans. To have mandated cost sharing would have severely restricted low-income access to the program—the very purpose the title was designed to meet.

Vermonters participating in the meals program will also benefit from the increased USDA meal reimbursement rate. In an era of rising food costs, it is crucial to have food reimbursement rates closer reflect the cost to the States for providing such meals. A higher reimbursement rate will continue to assure the quality food service for our elder Americans with a more realistic reimbursement rate.

I am further pleased to see that the Music Therapy for Older Individuals Act has been added to the Older Americans Act to permit music therapy to be offered as an optional social service and preventative health service. This provision will authorize projects to provide music therapy in institutions, senior centers, and through programs for the elderly. Music therapy is a powerful tool in helping the elderly to remain strong, aware, and healthy and I am happy to support efforts to extend its availability.

Finally, Mr. President, I am pleased to see programs which address the needs of our country's elderly residing in rural communities. A number of my colleagues have worked diligently to enhance service delivery to our rural communities which will greatly improve outreach to some of our most indigent citizens.

Passage of the Older Americans Act restates this country's commitment to

serve the needs of our elderly population. It is a small price to pay for the benefits and pleasures we all have shared from our older citizens. I am pleased to be a cosponsor of this critical legislation.

Mr. President, with regret I have to seriously oppose the provisions included in the bill which attempt to transfer money out of the PBGC. This money would go to a group of individuals, the number of which we do not know, the cost of which we do not know, to take part in a fund which has been paid for by others because, unfortunately, their pension plans terminated before the beginning of the PBGC.

There are a number of reasons why I think it is inappropriate to take this up at this time. Let me briefly summarize them and go into a little more detail.

First of all, there has not been a hearing on this provision since 1984, when a hearing was held in the House, not the Senate, and at that time it was decided that the bill would not go forward.

Second, it would set a precedent. Right now we are out of money. Our Treasury is bankrupt. We are borrowing funds. So if you do not have your own money, what do you do? What is the next best thing if you want to help people? You take somebody else's money and spend it.

That is essentially what we are doing here. We are going to take money out of PBGC, premiums which were paid for by others, to help people who unfortunately suffered a loss. There is no question about that. I hope and want to be sure this is clear to all.

Also, another thing I want to bring out is that we are talking about defined benefit plans. To very briefly tell you what that is, that is the kind we have. They are great plans. They are the plans which will give you an amount that you know. So when you retire, you know what you are going to get; you know what your spouse is going to get. They are not subject to the problems of the stock market, and matters like that. It is an agreement where you will get a set amount of your salary. That will be given to you and the PBGC was set up to make sure there were funds available to do that in case the corporation failed in its responsibility.

So it is a great plan. It is the best kind to have. But it has been fraught with many problems as you will see as I go forward. Because of these problems there is a declining use of the defined benefit plan. Now here we are with this amendment which has not had a hearing, the cost of which we do not know, the number of people that will be covered we do not know, to raid upon a fund which is in trouble itself.

It is well-intentioned certainly; to help the workers who lost vested pen-

sion benefits before the enactment of ERISA. However, the Metzenbaum amendment rewards these pension losers at the expense of integrity of our private system, which is already on shaky ground.

At the very time when we should be trying to expand the private pension system, especially the defined benefit plan, this amendment will help do the opposite. Employers, who are worried enough about joining the defined benefit plan system, with its increasing premiums, are going to start reading PBGC as Piggy Bank Guaranty Corporation.

The PBGC is not a charity organization for pension-related matters, and I do not think we should make it one.

I wish we would spend today debating how to strengthen the system rather than whether we should screw it up a little bit more. The problems within our current system are numerous, debilitating, and deserving of the serious attention of our colleagues here.

Although the tax expenditures for pensions is the largest tax expenditure in the country, only 48 percent of our full-time work force is covered by a pension plan right now. We should not do anything to make that smaller. This means that in spite of encouragement through the Tax Code, our Nation's current pension policies are failing in the effort to assure sufficient amounts are saved for retirement purposes.

It is ironic that we spend hours upon hours in the effort to understand and solve our Nation's health care crisis, yet do so little to improve our Nation's pension policies. Yet, our Nation's pension system is sicker than the health care system. Over 75 percent of all workers have health care in this country but only 48 percent are covered by a pension plan other than Social Security.

Social Security is not adequate for a secure retirement. Anyone that is on it already knows that. We need to help the private pension system. And defined benefit plans, which were once the cornerstone of pension savings, are considered the safest way for employees to be assured of adequate savings for retirement.

Yet defined benefit plans are going the way of the great white whale. Without changes to our current policy they will in all likelihood become extinct, or at least will not be the primary way to save for retirement.

I would like you to take a look at the chart before me, to give you an idea what is going on. It shows exactly what is happening to defined benefit plans. The future for defined benefit plans does not look good.

Take a close look at this. You can see the defined contribution plans are in blue. Those are growing at a tremendous rate, whereas the defined benefit plans have peaked, and are headed downward. The problem with that, of

course, is it is not anywhere near as good a pension plan. We should have that going up and perhaps the other one going down.

In a defined contribution plan the employee bears all of the investment risk, and the employer involvement in the plan is very limited. Also, there is no insurance protection provided to the defined contribution plan participants. So anything that we do to discourage the defined benefit plan ought to be looked at very, very carefully and certainly it should not be approved.

Unlike defined contribution plans, defined benefit plans offer workers the predictability of knowing how much they can expect to receive from the company pension plan. Because workers know how much of a supplement to Society Security to expect under this pension plan they are able to plan better for their retirement.

Let us take a look at chart No. 2 here and see what is happening to defined benefit plans. I think it is important to take a look at this. Because as you can see the terminations are headed up, more and more employers are getting out defined benefit plans like the ones we have which guarantee you an amount of pay percentage of your salary which will carry you forward without all the worries about having invested your own money or the pressures of cashing it out. The PBGC will be standing behind you if it has sufficient amount of money, and I will talk about that later.

Look at how they are going. They are headed down here. This was due to the high inflation. People were against it. Then they started back up again. And about the time they started to recover then we started heaping all the problems on and they are headed back down again. The terminations though have been a steady increase and rising.

As I mentioned, we in Congress are covered by a defined benefit plan. Our defined benefit plan pays out 2.5 percent, multiplied by our years of service at our highest 3 years' salary. This benefit amount is paid to us every year after we retire. The same is true for civil service. Also, our spouses are assured they will receive a predictable and fair benefit in the event of our death.

Regardless of what happens to the stock market, how good investment returns are, each of us can calculate what we are going to get. Each of the civil servants in our Federal system can calculate what they will get, and anyone else who has a defined benefit plan generally can find out and understand how much they are going to get.

If we look at this second chart, hardly any employers are starting new plans. The startups are going down, and almost down to zero, and the terminations are headed up. This is not what we would like to see.

There are a number of reasons that we should look at for this trend. The

No. 1 reason I think the number of defined benefit plans are going down is the insecurity of the system, but the premiums also have an impact.

The Pension Benefit Guaranty Corporation, the agency that ensures pensions, is swamped by an increasing number of terminations of severely underfunded plans. Although premiums paid to the PBGC are adjusted somewhat to reflect variations in funding, they are not adjusted to provide any meaningful deterrent to underfunding.

Let us take a look at what we have done to the premiums. Because of the failings of underfunded pension plans, we have looked to the PBGC to pay for the employer's obligations to employees. Let us take a look.

From 1974 to 1978, the premium—this is the amount paid per participant per year—was at \$1. In 1978, it jumped to \$2.60, not much more than the inflationary increase for that period at all. Now 1986 to 1988, we had to have a jump because we began to get some bad terminations. It went up to \$8.50. That is about an eightfold increase since 1974. In 8 years it went up about 800 percent.

Then it doubled between 1988-91, so that the normal premium for an employer who has a good responsible plan was \$16 per participant. However, the variable rate went up, for those who were underfunded, so that there was in effect a 500-percent increase from what it was in 1988.

Then the flat rate went up again to \$19 for those plans that were doing right in the sense that they were responsibly funded. For employers who were not so responsible, the premium increased to as much as \$72 per participant. If you take a look, that is probably about a 7,000-percent increase since 1978.

In summary, we are looking for some money to help people who are not covered by the PBGC system and in doing so we will be putting another burden on plans which are already under pressures, some facing the pressure of a 7,000-percent premium increase.

Sure, it is fun to spend somebody else's money. It is great fun when you do not have your own. But my concern is that we are just putting the final nail in the PBGC coffin here, and nobody is going to sponsor defined benefit plans.

Let me go back again and point out what to me is the most serious problem we are faced with here. Should we be spending somebody else's money on a bill that is without a hearing. The last hearing was in 1984. At that time Congress decided it was not the appropriate thing to do. Then, all of a sudden, this amendment appears on the Older Americans Act. We don't know how many people are covered, or what the cost of the bill is. But, we will send the tab to the PBGC which is presently underfunded and which has a 7,000-percent increase in its premiums over the last 13 years.

Now, I say to you that, sure, let us have some hearings. Maybe it is a good idea. Maybe it can be afforded. But to me, to put this on the Older Americans Act right now is a bad idea. This is the time when we need to help defined benefit pension plans, we need to invite people to get into benefit plans, not to put another serious obstacle in the way of contributing to pension plans which are the best kind to have—the kind like we have.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I rise in support of the amendment of Senator COCHRAN, and I ask unanimous consent to be added as a cosponsor.

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

Mr. NICKLES. Mr. President, I rise in support of Senator COCHRAN's amendment, which would delete the pension restoration provision, as discussed by my colleagues. I compliment Senator JEFFORDS, Senator COCHRAN, and Senator DOMENICI for their debate on the floor.

This amendment starts on page 173 of the bill and runs all the way over to page 189.

This provision it significantly changes pension law, and significantly expands the liability to the Pension Benefit Guaranty Corporation to pay for terminated pension plans which it was never originally intended to insure, and greatly jeopardizes an already overloaded fund. This pension restoration provision started to weigh on an already deeply troubled fund; the Pension Benefit Guaranty Corporation is already overfunded by over \$2 billion.

By that, I mean it does not have enough annual revenue to fund the liabilities it has already incurred to the tune of \$2 billion. The fund is in trouble, despite the fact that premiums going to the Pension Benefit Guaranty Corporation have risen dramatically since its inception in 1974. I remember very well when the pension benefit guarantee fund was created under the act called ERISA. In 1974, I was a businessman at the time and actually traveled to Washington, DC, to discuss this particular piece of legislation. I remember when the initial premium was announced. They said it is only \$1 per participant.

In my company, we employed 100 people. My company's contribution to PBGC computed to only \$100 a year. But I made the statement then that that \$1 would not come close to covering the liabilities that would be thrown upon this quasi-Federal corporation called the Pension Benefit Guaranty Corporation. I projected then, as a businessman, that these premiums would rise dramatically, and they certainly have. The liability has risen

even faster. The premiums have been chasing the liabilities, but they have not been able to catch up and, frankly, they will not be about to, because the law still somewhat encourages many employers to dump their liability on the rest of the employer. Many companies overpromised, could not afford a defined benefit pension plan and left their liabilities on the rest of the employers in the country.

Now we see unfunded liabilities in the billions. It would be much greater if the LTV case is decided adversely and could increase the liability an additional \$3 billion. There are many other cases where we may see pension underfunding, pension plans filing for bankruptcy, and more potential liability for the Pension Benefit Guaranty Corporation. That means the rest of the employers in the country will have to pick it up and foot the bill.

The employer, writes out a check for so much per participant in their defined benefit plan. In 1974, it was \$1 per participant. In 1978, it increased to \$2.60, and in 1986, it went to \$8.50. Only 2 years later, it went up to \$16. And at the beginning of 1991, it went to \$19. The \$19 level is the contribution for the company with a well-funded plan; company that has done its homework, that has met its responsibilities, that made its annual contributions to make sure its funds are solvent and that the benefit will be there for its employees.

You might be aware of the fact that, in 1988, we put in a risk-related premium for underfunded plans. For the underfunded plans, the premiums go all the way up to \$72. For the funds that are underfunded, even \$72 is not covering the cost of the liability. The PBGC is still not raising enough money to cover all of the liabilities that are there. To add an additional \$500 million in liability will only serve to continue to increase the liability on PBGC.

In other words, Congress created a guarantee but did not create a system that is working very well. We have greater liabilities than we have revenues coming into the system, and now my friend from Ohio, Senator METZENBAUM, would add to this unfunded liability over \$500 million. Nobody ever paid premiums to cover this liability, it is going to be a gift. Who is going to pay for it? All the other employers that have defined benefit plans.

As Senator JEFFORDS showed, the number of people that have defined benefit plans has been declining. More and more employers are reading the writing on the wall. They are having a hard enough time paying for the obligations that they have incurred and promised under the defined benefit plan, and now they have to pick up all of the costs for a lot of employers that have not paid their fair share, that did not fund their plan, or that dumped their liability on Pension Benefit Guaranty Corporation. Many employers are

saying, "I am not going to do it." They terminate their plan and create a defined contribution plan that does not have the same responsibilities.

The defined contribution plan allows an employer and employee to make a contribution to an individual account, somewhat like an individual retirement account. The account accumulates with interest, and whatever happens to be there, upon retirement, is the retiree's. If the account loses money with the market decline, that is the retiree's loss. More employers are going that route. Fewer are going the defined benefit route for a couple of reasons: one, they have enormous liabilities; and also, they are picking up the liabilities for other employers, who happen to be dumping those liabilities on the Pension Benefit Guaranty Corporation. Premiums will continue to rise as liability rises.

So what the provision which the Senator from Mississippi [Mr. COCHRAN] is attempting to delete jeopardizes the Pension Benefit Guaranty Corporation, which insures pensions for 40 million Americans.

Do we really want to jeopardize the health of the defined benefit pension community? I happen to think defined benefit plans are real assets. There are real costs incurred when we say we are going to extend this coverage and benefits, and make payments to thousands of people who did not pay into the system. We cannot stand up on the floor and say that it does not cost anything. That is ridiculous. If we are not successful in deleting this language, as Senator COCHRAN has proposed, we will jeopardize the very health and safety of 40 million pensioners. I do not think that is responsible.

Senator JEFFORDS mentioned that we have not had a hearing on this since 1984. When we did have a hearing on it in 1984, I was chairman of the Labor Committee. This approach, as advocated by the Senator from Ohio, made no sense in 1984, and we did not pass it in 1984. We should not pass it in 1991. It is at the height of fiscal irresponsibility. I do not think we are being responsible to the 40 million pensioners.

We need to delete this language from the bill, and I hope that my colleagues will join me in support of Senator COCHRAN in his motion to delete this language, which does not belong in this bill.

Mr. President, I ask unanimous consent to have this material regarding pension insurance premiums printed in the RECORD.

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

[Facts—Pension Benefit Guaranty Corporation]

PENSION INSURANCE PREMIUM

New premium rates: Effective January 1, 1991, PBGC's annual premium for single-employer plans will be changed as follows:

The basic premium charge paid by all plans will increase from \$16 to \$19 per participant.

The additional variable-rate charge paid by underfunded plans will increase from \$6 to \$9 per \$1,000 of unfunded vested benefits, and the cap on the variable-rate charge will increase from \$34 to \$53 per participant.

Therefore, the maximum premium will increase from \$50 to \$72 per participant.

Effect: By increasing the premium for underfunded plans, their sponsors will have a greater financial incentive to properly fund their plans. The total premium increase, which will provide an additional \$120 million in revenues in fiscal year 1991 and \$640 million over the next five years, also will help to reduce PBGC's deficit.

The underfunded plans paying the variable-rate charge will continue to pay 17 percent of PBGC's total premium revenues. The increase in the variable-rate cap is equivalent to an increase in labor cost of about 1 cent per hour. For well-funded plans, this effect is less than 1/100 cent per hour.

PBGC is looking at other measures to strengthen employers' funding incentives and its own financial position in such areas as the priority of the agency's bankruptcy claims, employer plan funding responsibility during bankruptcy, the handling of plant shutdown benefits, and minimum funding requirements.

Background: The 100,000 single-employer defined benefit pension plans insured by PBGC generally are well-funded, with about \$820 billion in total benefit liabilities backed by more than \$1.1 trillion in assets. However, PBGC still is exposed for about \$20 billion to \$30 billion in unfunded benefit promises and has a \$1 billion deficit. Despite the introduction of an exposure-related premium in 1987, PBGC insurance had been grossly underpriced for those underfunded plans.

PBGC is one of several government insurance companies whose potential losses have not been fully reflected in the federal budget. President Bush had established four requirements for a successful budget agreement for fiscal year 1991, one of which was to "address the government's hidden liabilities." PBGC ranks as one of the larger hidden liabilities. The premium increase will help address PBGC's potential liabilities and improve the economic incentives for companies to properly fund their pension plans.

(Ms. MIKULSKI assumed the chair.)

Mr. DIXON. Madam President, may I inquire of the distinguished managers? I have listened for the last hour with great interest to this debate and am prepared to vote whenever the managers get to that time in the proceeding. It would occur to me there is nobody on the floor right now prepared to discuss the issue. I wonder whether I could get unanimous consent to talk on another subject for a few minutes.

Mr. ADAMS. Madam President, we have no other Senators on this side who have indicated to me that they wish to speak on this.

I will inquire of the Senator from Mississippi.

There is one other, Mr. HATCH.

Mr. COCHRAN. If the Senator will yield, I am told Senator HATCH would like to speak on this amendment before we vote on it. So I would hope that we would permit him that opportunity. I have no objection to the Senator from Illinois proceeding on some other issue if he wants to talk on another issue.

Mr. DIXON. I would be delighted to yield if any Senator comes to the floor prepared to talk on this issue.

Mr. ADAMS. Why does not the Senator take a specific amount of time; say 10 minutes?

Mr. DIXON. That would be delightful. I do not think I will use it all. The manager is very kind.

Mr. ADAMS. We have no objection on this side.

Mr. COCHRAN. No objection.

Mr. DIXON. Madam President, I ask unanimous consent that I be permitted to proceed as though in morning business for a period not in excess of 10 minutes.

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

THE NATIONAL CHILD PROTECTION ACT OF 1991

Mr. DIXON. Madam President, I am pleased to join the distinguished chairman of the Judiciary Committee, Senator BIDEN, and the ranking Republican member, Senator THURMOND, in introducing the National Child Protection Act of 1991 later this week. I applaud their leadership as well as the efforts of Oprah Winfrey, who has championed this legislation. Her personal commitment to dealing with child abuse deserves the thanks of a grateful nation. Her testimony this morning before the Senate Judiciary Committee was most compelling.

This legislation is needed to combat the problems associated with incidents of child abuse in day care and other nonhome settings. It is an extremely unfortunate fact that thousands of children are abused in such settings every day. Loopholes and inadequacies in current Federal law allow such tragedies to occur. The National Child Protection Act of 1991 seeks to remedy those inadequacies and close those loopholes.

The act would establish, for the first time, comprehensive national procedures to ensure that those working with children, either as employers, or employees, or volunteers in organized activities, do not have criminal records as child abusers or perpetrators of other serious crimes.

The bill will provide uniform guidelines for States to follow. While States are not required to follow the proposed guidelines, there are strong incentives for adopting the guidelines in the legislation. Such incentives have been successfully employed in the past, and would work in this case, without micromanaging the States.

Madam President, child care providers, and more importantly, the children they serve, have a right to know whether those charged with the care of children, from school bus drivers to school nurses, have been indicted or convicted of child abuse or other serious crimes.

It must be noted that there are a number of civil protections provided to those on whom a background check is conducted. First, an employer who requests from a designated State agency a background check of a job applicant, must have written permission from the applicant in order to conduct the check. Second, the information contained in the background check report can be challenged by the applicant, and automatically puts off a hiring decision on the applicant until the appeal has been decided.

In conclusion, Madam President, the children of the United States must be protected from those who prey upon their innocence. National guidelines ensure that some States do not become havens for child abusers. If we as a nation truly value the lives of our children, we must back up our words with deeds, and our promises with actions. The National Child Protection Act of 1991 puts our values into practice and, therefore, should be enacted swiftly by the Congress.

Madam President, may I make this brief observation before I yield the floor. I see the distinguished Senator from Arkansas here, and there may be others who want to speak.

The former Governor of our State, Governor Thompson, asked me this morning to accommodate him by giving an opportunity to Oprah Winfrey to be heard at a press conference after her testimony before the Judiciary Committee in support of this legislation that she has requested be passed in short order to protect children all over America.

I know and greatly admire Oprah Winfrey, and I was delighted to do that, and before I introduced her this morning I thought, "What do you say about a woman so well-known in the country?" I simply said, "Ladies and gentlemen, it is my great pleasure to introduce the pride of the city of Chicago, Oprah Winfrey, who is such a wonderful person and needs no other introduction." Then I sat there in the audience with others, Madam President, as this remarkable and wonderful woman told about her own experiences in her childhood, her own experiences of abuses by members of her own family.

It brought, I must say without shame, it brought tears to my eyes to me as a father of three and a grandfather of seven, to know and understand, Madam President, that in this country people every moment all over America are experiencing that kind of thing when love and support and tenderness are so important in the home.

It sort of made me humble, I must say, Madam President, to hear that wonderful woman, who in reality now has everything in the world she wants—I have heard estimates of her income so extraordinarily high that it staggers the imagination. Someone

said \$60 million a year. I do not know. But think of that wonderful woman, with everything that she has, coming here and baring her life's experience to us all because it matters so much. I tell you Madam President, it truly moved me. It truly moved me.

I guess when we are in politics awhile we get a little crusty and we do not get moved many times anymore. But that moved me. And I am proud to be a co-sponsor of this bill.

I want to express my personal appreciation to the chairman of the Judiciary Committee, Senator BIDEN, for accepting this challenge. I am told he is going to try to expedite this legislation. I commend him for it.

If one innocent little child in America, Madam President, as a consequence of this bill would be protected from the terrible experiences that my friend Oprah Winfrey talked about this morning, it would be so wonderful and we would have done so much. She spent her time coming out here. She spent money. She hired expensive counsel to draw this legislation for her, I am sure at substantial expense, and given all her time for this.

I think you know that is a marvelous thing, and I do not know how to express it except the way I have just done. I did not write that down. I tried to say it from my heart. Oh, to say that once in awhile some good person comes along and tries to make a difference and when a good person comes along and tries to make a difference we are all greater for it and we are all indebted.

I thank from the bottom of my heart Oprah Winfrey for letting me be a part of it, just a little bitty small part of it this morning, Madam President, and having the privilege to be there and participate. I hope the bill passes soon. I congratulate her on what she has done.

The PRESIDING OFFICER. Speaking as a Senator from Maryland, Ms. Winfrey did an earlier stint in TV in Baltimore, and the Presiding Officer, again speaking as a Senator from Maryland, is with her generosity of spirit in that work, and the Senator is correct.

Mr. DIXON. I thank the Senator who is in the Chair, a friend I greatly admire, for her remarks as well. I thank her as well and I thank my friends, the managers.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, I rise to say Oprah Winfrey was born in Mississippi. I am proud to know they now claim our distinguished Mississippi citizen as their own. We are very proud of her as well in the State of Mississippi.

OLDER AMERICANS ACT REAUTHORIZATION AMENDMENTS OF 1991

The Senate continued with the consideration of the bill.

Mr. COCHRAN. Madam President, I am told that on our side of the aisle we have two other speakers who have indicated an interest in speaking on the older Americans bill, Senator DURENBERGER and Senator HATCH. I assume, and think, hope, and trust they will be coming to the floor soon to be offering their remarks to the Senate.

That is my report to the distinguished Senator from Washington, the manager of the bill.

Mr. ADAMS. Madam President, I state to the Senator from Mississippi I appreciate that very much. We have no others that we know wish to speak on this amendment. We wish the Senate to have a vote on this amendment as soon as possible. I was going to suggest I hope they will arrive soon and then we might be able to be looking at voting on this amendment at 5:15 or 5:30. If we have not been able to do something before then, maybe we can get a UC by then.

I am not trying to press anybody or keep them from voting, but I know we are about to go into a quorum call, and I am hopeful Senators who are listening will understand that that is for them to speak in.

Mr. COCHRAN. Madam President, if the Senator will yield, I commend him on the management of the bill and moving us ahead as he has. We have not had any quorum calls where we have had just nobody here on the floor. Senators have come to the floor and cooperated with the managers, and we appreciate that very much. I trust we will have a speaker on the floor shortly.

Mr. ADAMS. Madam 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.

The PRESIDING OFFICER. The Senator from Utah.

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

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

Mr. HATCH. Madam President, Groucho Marx once humorously described politics as "the art of looking for trouble, finding it everywhere, diagnosing it incorrectly, and applying the wrong remedies." I am sure it was not hard for the Senator from Ohio to find a group of individuals in some sort of trouble in this country. Unfortunately, his diagnosis is a prescription for a new \$500 million—one-half billion dollars—entitlement program tacked onto the otherwise noncontroversial Older Americans Act. This remedy, undoubtedly, will be far worse than the initial disease.

The so-called pension losers' bill was added to the Older Americans Act by Senator METZENBAUM when the Labor Committee marked that bill up in July. Just yesterday we received yet another version of this measure.

I am today engaged in an effort to remove that proposal from this bill because it represents an unprecedented and disastrous raid on the Federal fund that insures the pension benefits of 40 million workers and retirees. The purpose of this raid is to finance a new entitlement program created by this measure.

This proposal is intended, according to its proponents, to provide payments to those individuals, called "pension losers," who lost earned benefits when their pension plans terminated before the Employment Retirement Income Security Act [ERISA] was enacted in 1974. The question, of course, is: Who pays for this new and costly entitlement program? The answer, under this proposal, is that these benefit payments are to be financed with funds maintained by the Federal Government's Pension Benefit Guaranty Corporation [PBGC], an agency created by ERISA. The PBGC funds consist of insurance premiums paid by employers to cover their employees' pension benefit losses should their pension plans go under.

The proposal's beneficiaries are not currently covered by the PBGC insurance program and have never had insurance premiums paid to the PBGC to finance their coverage because Congress, when it enacted ERISA in 1974, did not apply that legislation retroactively to these individuals—and with good reason; there was not enough money. If you are interested in a little history, the reason that Congress did not include these so-called pension losers when it enacted ERISA in 1974 is explained by the majority in this bill's committee report. The majority stated that in 1974, the 93d Congress "could not determine whether the new PBGC Program could financially support these retirees." Congress then determined not apply ERISA retroactively to include these individuals. Seventeen years later, the Senate is now poised to undo Congress' 1974 determination and to pay out benefits that may have been lost 30 or 40 years ago; notwithstanding, the 102d Congress is certainly in no better position to make this determination.

In effect, this proposal provides for a retroactive insurance policy that makes annual payments to beneficiaries without their having to pay a dime in premiums at the expense of current beneficiaries under the ERISA program; 40 million people in this country who depend on ERISA to meet their needs from an insurance pension program.

Madam President, the goals of this proposal simply do not justify the

means employed to achieve them. In other words, someone has to foot the bill. That someone—those someones—are, unfortunately, 40 million workers and retirees. The means employed by this measure consists of a raid on the pension insurance funds that have been collected and maintained to protect the pension benefits of these 40 million workers and retirees who are covered by ERISA and whose pensions are insured by the Pension Benefit Guaranty Corporation. A further objection, of course, is that diverting the Government's pension insurance funds for unrelated and unintended purposes would set a disastrous precedent for the PBGC and other Federal programs that aim to protect the workers and retirees of this country.

My concerns regarding a raid of this magnitude are reinforced by the fact that the Government's pension insurance fund is already operating with a deficit of nearly \$2 billion. Now these people are going to add another half billion dollars to it. This deficit exists in spite of a 700-percent increase in the past 6 years in the amount of premiums that employers whose workers and retirees are covered by ERISA must pay annually to fund this insurance program. This is a classic case of robbing Peter to pay Paul. However, in this case, Peter is the Nation's pension insurance guarantor and if he goes bankrupt, so might the 40 million Americans that he insures.

Before discussing my concerns with what this measure purports to do in more detail, it is also important to point out that Senator METZENBAUM's proposal may actually make payments to far more individuals than just the pension losers, as the proponents' rhetoric has been claiming today. Specifically, the version voted out of Committee required the PBGC to pay benefits even to individuals who have already received payment in full for their benefits if their pension plans terminated before September 1, 1974. In contrast, at least one earlier version of the pension losers's bill, introduced in 1984, explicitly excluded such individuals. Thus, the committee bill remarkably put individuals who were never covered by ERISA in a better position than many of those who are covered by ERISA. Expanding coverage to include pre-ERISA retirees who have already received pension benefits would probably mean, conservatively speaking, that the proponents' estimate of 38,000 persons who would receive benefits under this measure, an estimate that is certainly debatable, could actually be as high as 100,000 individuals.

Mr. ADAMS. Will the Senator yield for a question at this point?

Mr. HATCH. Will the Senator allow me to finish my remarks?

Mr. ADAMS. I was going to discuss the modification which took out that provision.

Mr. HATCH. I am going to refer to that in just a minute if the Senator will withhold.

Madam President, the proposal's cost estimate of \$340 million would thus be correspondingly understated.

I note, of course, that the latest revised version, to which Senator ADAMS referred which we received just yesterday apparently makes some effort to limit coverage. As I may have the opportunity to discuss in more detail at a later time, my preliminary review of this modification is that it is ambiguous and could result in coverage of a far broader class than just the so-called pension losers.

Having said that, however, let me also make clear that even if the proposal were modified to unambiguously exclude individuals who are not truly pension losers, this measure would still increase the PBGC's already significant and growing deficit by as much as half a billion dollars. And that does not count all the administrative costs of implementing this particular bill. So it could be a lot more than that in costs to the Federal Government and the taxpayers and to the 40 million workers who really should own the benefits out of the PBGC.

In order to justify this unprecedented siphoning off of pension insurance funds intended to protect current workers and retirees covered by ERISA, a facade has been created that the PBGC is flush with cash. The facts, however, clearly show otherwise. The PBGC, in 1990 alone, recorded losses of about \$928 million, and the accumulated deficit in the single employer program almost doubled to nearly \$2 billion. Although these 1990 figures took losses from the subsequent Pan Am and Eastern Airlines bankruptcies into account, the actual losses in these cases will be greater than initially estimated. The recent LTV case, which could cost the agency more than \$1.5 billion was not included in the 1990 figures.

By the late 1990's, the insurance payments that the PBGC must make to workers whose pension plans have gone under will begin to exceed the combination of premiums paid to the PBGC and its investment income. Referring to the agency's precarious financial situation, James Lockhart, PBGC's Executive Director, recently stated in the Wall Street Journal that "without legislative changes, PBGC losses could mount to more than \$11 billion in a decade." I do not think that the pension losers bill, now attached to the Older Americans Act, with its \$500 million price tag, or one-half billion dollar price tag, is what Mr. Lockhart meant by "legislative changes."

Is it not ironic that if the PBGC were itself a pension plan, it would be severely underfunded? And if it were a private insurance company, it would be declared insolvent and be taken into

receivership. Yet, these people talk as though it is flush with cash. Now that is total unmitigated bull corn.

More importantly, this proposal taps into the Government's pension insurance fund for purposes other than those ever intended at a time when concerns about the PBGC's ever-growing deficit are heightened due to the agency's obligation to assume the liabilities of major corporate pension plans. In the wake of these recently publicized pension plan terminations, including the LTV case, the PBGC's gross liabilities have more than doubled between 1990 and 1991 from \$3.7 billion to \$8.3 billion.

That does not sound like an agency flush with cash. It sounds like a potential S&L debacle. And now we are going to add another one-half billion dollars and do it in a phony way that looks like we have gotten around the budget agreement?

The Pan Am pension plans, which the PBGC initiated action to take over in July of this year, are short by \$900 million. That is almost a billion dollars more. Eastern Airlines still has a pension shortfall of \$700 million. In LTV's case, one pension plan alone is short \$1.5 billion. Further, the PBGC's potential liability from underfunded plans is about \$30 billion, \$8 billion of which is from corporate pension plans that PBGC considers "seriously troubled companies."

Where is the justification for now, 40 years after the fact, putting people into this program who never paid a thin dime into it, at the expense of the 40 million workers who are currently paying into it? And raiding the program under the guise of compassion—it is easy to be compassionate when you are raiding other peoples' money. It is tough to be compassionate when you have to figure out in the budget and make priority choices and choose among competing programs and do it the right way without entitlements. And that is what they are not doing here.

It is pathetic what they are trying to do. If we allow it here, when does it stop? It has not stopped for 60 years around here as we have continued to run deficit after deficit.

The very people who are arguing for these additional costs are the very same people who are calling President Bush's programs an economic disaster. They are the people who have devised these programs. No President in the history of this country has ever appropriated a thin dime. Every dime that is appropriated comes from this Congress. And they have the gall to criticize the economic problems of this country as though they were solely President Bush's. Come on.

I get a little sick of the politics played around here. Here is another game being played in the interest of compassion as long as the people who sponsor this do not have to take it out

of their own pockets, or do not have to make priority choices among competing Federal programs and cut others to make the payments.

I am willing to look at that. I am willing to take from some programs that may not be as valuable as these but I think you are going to have a rough time finding them. Almost every program we have in the Federal Government today has constituencies and has good reason for being in existence. Whether I like them or not, most of them have good reason for being in existence. We have tried, in the Reagan years, to strike programs that did not, and we found that many of them did have basically good reasons for their existence. But I am still willing to look among those competing programs, and if we find some that are less competitive than these pension losers, then I am willing to cut them out in order to pay for the pension losers.

But I am not willing, not in the name of fiscal restraint and responsibility, to sock it to the people who have been paying all their lives into the ERISA Program at their expense for people who have never paid a thin dime into the program at a time when PBGC may be in trouble itself, and order a 700-percent increase in mandatory premiums socked to employers in the country.

These Government pension plan takeovers obviously mean that many thousands of workers will be relying on Federal insurance funds to cover their pension benefits. These workers represent, of course, only a small percentage of the 40 million individuals protected by the Federal pension insurance safety net. This safety net is having enough difficulty supporting the pension benefits for those workers it was intended to protect and for whose coverage premiums have been paid. These people have not paid a thin dime in premiums. And to raid the Treasury, to raid the PBGC on their behalf is absolutely immoral and wrong.

The net just might break if Congress approves this open season on the Government's pension insurance funds for other, unintended purposes.

Proponents of this legislation claim that they are protecting the financial stability of the PBGC by adding a provision that would reduce benefit payments under this measure if the agency's liabilities increase to some artificial threshold. This trigger provision, at least in theory, is very crucial because it purports to be what will ensure that the financial integrity of the PBGC will be maintained. This trigger or threshold, however, has been a moving target ever since the proposal's first draft. In fact, yet another and substantially more complicated trigger formula was included in the revisions we received just yesterday. And through it all not 1 day of hearings on this, not 1 day.

Let me try to briefly describe what has been done here by comparing lan-

guage in the committee version to that in the version now before us. The operative phrase in the committee version that served as the trigger for payment was as follows: "And the threshold for such determination shall be no less than 120 percent of the cost rate." In the view of many, the PBGC would never have met this threshold and would therefore never have been required to pay out benefits.

These three lines in the committee version have now grown to 14 lines in the latest version, the first five of which will give my colleagues some idea of what we are dealing with here. The new provision now before us begins as follows: "the actuarial balance shall be deemed in close actuarial balance if the absolute value of the actuarial balance exceeds 20 percent of the present value of the expected future premium receipts." The remainder of the new provision attempts to define the term "actuarial balance" and, among other things, is apparently misdrafted so as to state that "the corporations shall be reduced by all current and future benefit liabilities and administrative expenses." That just cannot be right, and yet that is what they want to enact into law today.

Far be it for me, after only 1 day, to review this revised version, without any hearings, without further discussion to define what this language means. It is ambiguous, poorly written, and will not do what it claims, and may cause tremendous problems in the future. The most I can say is that a preliminary analysis indicates that in contrast to the committee version whose trigger level virtually guaranteed that no benefits will be paid out, this provision will require the PBGC to pay out significant benefits for this new entitlement program.

Consequently, at least two questions are posed by this revised version. First, what on Earth does this new and confusing trigger formula have to do with the real financial ability of the pension insurance system to absorb this major financial hit?

Second, how is it that this bill can get away with paying out up to \$500 million for a new entitlement program without raising taxes or reducing other benefits? I will try to explain that in a moment.

The bottom line is that the payment threshold or trigger contained in the measure before us will not preserve the financial integrity of the pension insurance funds of millions of American workers and retirees. At best, the Senate really does not know what it is voting for.

That is a pretty sad state of affairs given the potential impact of this measure on the pension security of 40 million Americans who have paid into this system and who will be ripped off by this amendment.

I know there are many unfortunate stories of impoverished pension losers

who would greatly benefit from this proposal. I, too, empathize with these individuals. But let me add another equally tragic story. Joe and Jane Smith are a fictional couple that can be just about any family in America. Joe has worked for over 20 years. Jane has worked for about 10 years in order to meet the difficult financial demands of today. Joe and Jane will retire in 1995. When the Smiths go to pick up their first pension checks, they are sadly informed that since their retirement, the companies they both worked for have gone out of business. But, thought Joe, the Government has a pension insurance system that protects its citizens' pensions for just this case. This time their anxious questions receive the shameful answer that the money that was set aside for them, that they had paid into, that their employer paid into up to that point, and all the other intended beneficiaries of the Government's pension insurance program was used to pay for something called pension loser costs. When Joe desperately asks for the rationale of the pension loser law, he is told that in 1991 some of the Nation's lawmakers gambled that the Government's pension insurance system had plenty of funds to pay for both the unintended benefits to these pension losers as well as to pay benefits to the law's intended beneficiaries like Joe and Jane.

The lawmakers, it turns out, were wrong. Joe and Jane, after working for many years, will never see a dime of their pensions. Some of the country's politicians, Joe and Jane will undoubtedly exclaim, must be held accountable for their votes on the pension losers bill.

Of course, many of those who will vote to pass this will have gone out of the Senate by then or perhaps be in their last terms in the Senate by then. So they do not care one way or the other.

The citizens of this Nation, in order to avoid the above scenario, must realize that the drafters of the pension losers bill have gone to extraordinary lengths to try to avoid a technical budgetary impact on the very agency that protects their pensions. To circumvent the budget rules and to limit the budget impact on the PBGC's books, but not in real life, the proposal forces the PBGC to disregard a \$400 to \$500 million long-term liability in its normal accounting and allocation practices. The PBGC is somehow supposed to pretend that its resources, which will be spent if this measure passes, continue to exist in its savings account, referred to as the trust fund. Remarkably, the statutory language specifically orders the PBGC to disregard any amount paid by reason of this act in computing the ratio it uses.

This is the statutory language:

Section 711. Program Funding.

(c) Amounts disregarded for allocations. Any amount paid by reason of this act shall

be disregarded in computing any ratio (including the proportional funding ratio) used by the corporation in allocating amounts from any fund of the corporation.

We have added the emphasis, "Any amount paid by the reason of this act shall be disregarded." In other words, they say this to try to get around the budget enforcement agreement. At some time, however, the agency will have to do what any debtor has to do and that is pay off its financial obligations.

To require the Government's pension insurance agency to disregard a debt that it has indisputably incurred is simply not honest to the Nation's taxpayers and encourages irresponsible fiscal policy.

These are the people criticizing President Bush? These are the people that promised at this point, not just because of this but the thousands of other programs they are insisting on having, to break the bank. With these kinds of practices being promoted here in Congress, it is no wonder how our Government has amassed such an exorbitant deficit.

It is smoke and mirrors. That is what this language is, smoke and mirrors, to the detriment of other budgetary consideration, to the detriment of the 40 million people who have worked so hard and paid into the fund to keep it alive to begin with.

The only reason for the proposals of creative bookkeeping is to avoid an onbudget effect and, therefore, to elude the pay-as-you-go rules of last year's budget agreement. The attempt is a clever one and the administration and the Office of Management and Budget see through the smoke screen and so should the entire Senate itself.

Secretary of Labor Lynn Martin made clear the administration's view of the budgetary impact of the pension losers bill. She wrote to us and she writes this:

The provision would violate the pay-as-you-go requirements of the Budget Enforcement Act by increasing direct spending without providing an offset. Despite the bill's attempt to circumvent the Budget Enforcement Act by drawing down PBGC's trust fund and proscribing special accounting rules, the Office of Management and Budget would score a budget outlay effect. Accordingly, if the direct spending increase estimated by OMB were not offset by the end of the fiscal year, a corrective sequester would be triggered.

So this language for all of its cleverness might force us into a sequester at the end of the year. That would be a sequester cutting many programs, not just the pension program, across the board.

So in order to avoid a sequester, does the Senator from Ohio plan to raise taxes? I am sure he would be delighted if we did. Or is he going to reduce benefits? I doubt if he will ever push for that. It is too hard to choose among competing programs and choose the

better over the lesser or, in this case, the lesser over the better.

But one or the other—you have to increase taxes, or you have to reduce benefits. One or the other must be done to comply with last year's Budget Enforcement Act.

The U.S. Senate must start acting in a fiscally responsible manner. We are not used to doing that around here, but I think we have to start. Even though \$0.5 billion does not seem like much to some in a better than a trillion dollar budget, almost \$1.5 trillion budget, \$0.5 billion makes a difference. In this case, it really makes a difference. No one can ignore the \$400 to \$500 million increase that this measure imposes on the PBGC as well as on the Nation's retirees and workers.

Eventually when off-budget trust funds savings are squandered, the costs inevitably will be reflected in the program by higher future premiums, or tighter eligibility rules, both of which will discourage employers from sponsoring pension plans for their employees.

So what looks like such a wonderful thing today might wind up causing employers not to sponsor a pension plan at all in the future. Why should they when they see the plans being ripped off by Congress, an irresponsible Congress, that is unwilling to either increase taxes or cut benefits? Nobody wants to increase taxes, but we could cut benefits.

As a result, millions of workers will not receive pension benefits during their retirement. By attempting to hide its cost, the proposal only postpones those unpleasant choices and places a greater fiscal burden on some future Congress and, more importantly, on future workers and retirees. The measure is in violation of Federal budgetary requirement and, unfortunately, coupled with its failure to consider the potentially devastating and administrative costs and burdens associated with this proposal. Those are in addition to the \$0.5 billion. This measure will be exceptionally difficult and costly to administer due primarily to the fact that the necessary documentations to verify claims may date back some 30, 40 years or may not exist at all.

In fact, in its testimony before the House Subcommittee on Employment and Housing on October 31 of this year, the General Accounting Office, the GAO, noted that "the administrative burden to the PBGC of their proposal could be substantial." I would underline that word "substantial."

The proposal specifies three sources of information that supposedly have the necessary documentation to verify pension loser benefit claims. The IRS, one of the proposals for information sources, states however that "records to evaluate applications for benefits under the Pension Restoration Act of

1991 are destroyed in the timeframe stated. In no case would they be kept longer than 10 years. Therefore, we would not be able to provide the PBGC with information filed before 1974."

Also the U.S. Department of Labor, another information source, states that "We can be sure that all the files would have been destroyed by now" that are needed to verify the pension losers claims.

The last information source which alluded to the proposal's text is an applicant's employment and payroll records. First, very few individuals who retired before 1974 will still have their payroll records. Second, these payroll records alone will not be sufficient to determine, for example, if an ERISA employee was already given a pension distribution when he or she retired.

Mr. President, the information to verify these claims just does not exist.

The administrative nightmare involved with this bill is described by the following scenario. The IRS is the only agency that keeps records on the distribution of pension benefits to employees which would be a key ingredient to a claim for pension loser benefits. However, the IRS only keeps these data on businesses that they have audited and would only have this information on the 25 employees who topped the list in the amount of lump sum distributions.

Consequently, it would be a mere coincidence if the PBGC would find a business that the IRS happened to audit in a given year and in which the claimant was an employee who received one of the highest 25 pension distributions.

In any circumstance, the proposal by the Senator from Ohio could at best only provide a retroactive pension placement to a few lucky individuals who happened to have for decades kept their employment records and for a few which appeared on these IRS audit reports. It is almost an impossibility.

I have mentioned a number of significant problems with this piece of legislation. Unfortunately, any analysis is necessarily hampered by the fact that no hearings were ever held on this proposal, and that we received the third and significantly revised version only yesterday.

Mr. President, here is what we are doing. We, the U.S. Senate, if we pass this today, and if the President vetoes it, and the veto is overridden, we are taking money from the 40 million American workers on November 12, 1991, and writing out a check pay to the order of the new entitlement program, another one on top of everything else. Heaven help us. And we are spending \$500 million and a half plus, \$0.5 billion, from the U.S. pension insurance fund. We are signing it, the U.S. Senate.

Mr. President, I am going to put a little overlay on this because this is what this check should be returned as

"insufficient funds" because we do not have sufficient funds to do that.

If we do it on top of the \$11 billion potential deficit in the PBGC over the next 10 years, we have to be crazy. No wonder the American people are so sick and tired of Congress. We have a new program every time we turn around that is going to sock it to them, and take it away from those that really earned it and paid into the fund. I do not understand that.

Instead of either increasing taxes or reducing benefits in some other program, why sock it to the people who have paid for these benefits—the 40 million American workers?

We do not have the funds to pay for this program. We just plain do not have the funds to pay for it, not without increased taxes. And I guarantee you when the \$11 billion of deficit hits—somebody said we have \$300 million in cash flow. Come on.

The PBGC is in real trouble. We all know that. We have been continually increasing the costs of running the PBGC. Business people are tired of it. Employees are tired of it. We are facing deficits like you cannot believe, and I have only listed a few of the large ones like LTV and the \$1.5 billion, and Eastern Airlines, almost \$1 billion, more than they already plan putting in. They are broke.

But there is no reason to be broke. Certainly, there is no reason to make it more broke by socking it to 40 million American workers who paid into this fund, and count on it for being solvent for them, but socking another half billion dollars, plus the administrative costs, to them and the other taxpayers of America to help those who have never paid a thin dime into this program. Right is right. It is time for us to start doing what is right.

Madam President, the Senate, in the next hour or so, is about to vote on whether it intends to write a blank check. It is going to be a blank check on an account labeled "pension and insurance fund for 40 million Americans." If and when that check bounces, it is not the Senators in this body who will have to pay the penalty or make good the financial obligations; the burden of all the costs are going to fall on these 40 million American workers—they are the ones who are going to get taken here—that the PBGC insures, people who have been paying in all these years.

I think it is better that the U.S. Senate act out of responsibility to all of its citizens than out of the popularity of its special interests. Fortunately, the proposal's affect on PBGC's ability to protect the Nation's workers and retirees is clearly understood by the administration. The administration, as well as several Senators, were very supportive of the unamended version of the Older Americans Act. It would pass 100 to zero. However, Senator METZEN-

BAUM's provision has now put the entire act in jeopardy of the Presidential veto.

The Secretary of Labor wrote that "Given the seriousness of these issues, the President's senior advisers will recommend that the President veto S. 243, unless the pension restoration act is removed."

Madam President, we are now in the 26th or 27th year of high-level deficits in our budget. That is more years than most of us have served in this body. Some have served quite a bit longer, but not very many. It is time for us to start becoming fiscally responsible.

If we want to take care of the pension losers—and I myself would like to do so—let us not do it by robbing the pension funds of those who have paid into it since 1974. Let us not bankrupt that fund so that we can do a good turn for those who have never paid into it. Let us face that problem, and let us look at the Federal budget.

I know we do not have the guts to increase taxes. DANNY ROSTENKOWSKI's approach just is not going to fly, because he calls for increased taxes, without any opportunity to get incentives into the system.

Therefore, the only way we are going to be able to do this, for these pension losers—and I would be happy to sit down with the Senator from Ohio to see if we can define competing programs to take the moneys out.

There is always the answer by those on one side of the floor that they will always find it in the military. The problem is, even the military only has so much money to keep us safe and secure. You can only go to that well so many times. It is amazing that we have any military at all. It is going to continue, and we all know that the military is going to have to scale back. Secretary Cheney knows that, and he is doing it now. All of us understand that. But that is not where you are going to find this half billion dollars. We are going to have to find it in competing social programs.

I might add that the pension loser provision is not included in the House-passed version of the Older Americans Act. They have been fiscally responsible to the degree that they have kept it out. I am sure there are those over there that have the same desires as the very compassionate Senator from Ohio. But the fact of the matter is that they have kept it out, realizing that you cannot rob the 40 million workers who paid into this since 1974 to benefit those who have not paid into it, no matter how righteous or compassionate that act may be.

I think true compassion is when we dip into our own pockets and not those of our citizens, especially those who have earned those benefits, in order to do good for our men and women. I urge my colleagues to be fiscally responsible and oppose the pension losers provi-

sion. I think that unless we start doing that around here, we do not have a chance of keeping this country going the way it has gone for so many years in the past.

Madam President, it is time for us to be fiscally responsible. It is time for us to not rob Peter to pay Paul. It is time for us to not do what really amounts to dirty things to those who have been paying into this program. It is time for us to recognize that PBGC has been in trouble for better than a decade, and it is time for us to recognize that it is in trouble now. And with the bankruptcies that we have had, just the three that I have mentioned, all of the trust fund will be gone, and we will be in deficit with regard to the rest of the Pension Benefits Guaranty Corporation obligations. It is time to be responsible and I hope many of us—enough to defeat it—will vote against the approach of the distinguished Senator from Ohio. I yield the floor.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Madam President, in a moment, I want to yield to the Senator from Ohio to answer some of the specific statements by the Senator from Utah. I might just state one thing before we go into the details, and I would state to the Senator from Ohio that comments were made about the LTV settlement that I feel were inaccurate and need to be corrected—the fact that it can be covered by the Pan Am and Eastern which will take such a period of time that the LTV alone would settle it.

I want to make one point before doing that, and then I will ask again if we cannot get a time period, maybe, where we can settle this amendment without further ado. But it is often said in this Chamber that the Congress appropriates all money that is spent. I have been in both the administration and the Congress, and the Congress may appropriate money, but this is a perfect example of the administration spending, or not spending, or misspending, or mismanaging the spending of money. This is an administration agency.

I do not think the distinguished Senator from Utah was on the floor when I made the comment to the Senator from Mississippi that if these people are as bad down there as is being indicated, the Congress and the appropriate committees should be doing something about them, because our information is that you could pay this benefit out of the investment money paid on their yearly income. In other words, it does not require any additional taxes; it does not even take money out of the fund, as has been indicated here by the Senator from Utah.

You have \$151 million. In fact, you have \$300 million of investment income, \$151 million from investments on

this trust fund, and you could pay the \$51 million out of that and pay it over 20 years.

These are the people who created the program. So either this administration is managing correctly, or it is not. We do not like the idea that you keep gathering in all of these funds in the trust funds that have specific purposes to protect American middle-class workers, and then when the time comes to pay them, you do not pay them.

In this particular case, as has been so well stated by the Senator from Ohio, there is an equity for people who were the ones for which this fund was created, and they did not make it retroactive, because they did not know how many of them there would be.

Now there are so few of them left that we ought to try to create a little justice for them, \$75 for each year you worked, 20 years of working. That is \$1,500. And if your spouse dies, you get half, which is \$750. That is \$51 million a year out of this agency which it can pay out of its investments.

I want to state that again because this goes to a matter of basic trust to the families of America, and I am hopeful that we might—I do not know many more wish to speak. I know Senator DURENBERGER does. We have one more speaker. I was wondering if we might enter into a unanimous-consent request. Senator HATCH spoke now, Senator METZENBAUM spoke now, and I and others. Maybe we could agree to vote on this amendment at, say, 5:30 p.m.?

Mr. HATCH. I am not sure where we are. Let me do some checking on this side. I would like to vote on it, too.

Mr. ADAMS. I would like to vote on it, too.

Mr. HATCH. I understand Senator DURENBERGER would like to speak to this. He should be here shortly.

Mr. ADAMS. He is the last speaker we know of.

Mr. HATCH. I do not know how long he wants to speak. I will check and go from there, vote on it. Let me check on our side.

Mr. ADAMS. Senator METZENBAUM could proceed, and let me know. Say 5:30 for this amendment, if you could, please.

Mr. COCHRAN. We will try.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Ohio.

Mr. METZENBAUM. Mr. President, there is a lot of misinformation going out on the floor here today and a lot of crocodile tears being cried. It is interesting to hear my colleague and friend from Utah talking about how the poor taxpayers of this country are going to be affected. I remember when all of us joined together to give \$50 million to people who had no legal right to the money, but they were in Utah and they had been affected because they were downwind from an atomic facility, and we all agreed to give the \$50 million out of the taxpayers's funds.

When it comes to these people, these pensioners, who are left by the way-side, nothing is called for from the taxpayer. There is not one penny coming out of the taxpayers' money in order to pay the pensions that were due these 38,000 people.

When we talk about the amount of money involved, the amount suggested at \$500 million, the only thing wrong with that is it is only \$300 million. I do not know where the \$500 million figure came from, but the \$300 million figure is much more accurate. That \$300 million will be paid and caught up over a period of 20 years, and now the PBGC has a \$300 million surplus each year. It has a surplus in part due to the fact that the rates for the employers were increased last year and nobody was asking for it. PBGC was not asking for it, but the money was there.

When this law was first enacted, ERISA was made 3 months retroactive covering the workers from 32 terminated pension plans, and during the first 3 years after the enactment, thousands of workers from 160 terminated plans received PBGC coverage even though their employer paid little or no premiums to the PBGC. These are not just a handful of employees from one particular State. These are employees that came from companies all over the country, and there will be at the desk a list of the States and the names of the companies where these employees worked. Look it over. They are your constituents, they are your neighbors, they are the senior citizens of your State who are entitled to some help.

This bill provides a pittance, \$75 for each year of service up to \$1,500 a year. The cost is \$38 million a year and it goes down. It is paid for from a \$32 billion off-budget PBGC fund. This fund has \$3 billion in assets and receives \$300 million a year in premiums and earns annual investment income of \$150 million a year.

The claim is made that it is an improper use of PBGC funds to pay for these benefits. PBGC's mission is to provide pension benefits to individuals whose companies did not properly fund their pension plans. This bill is consistent with that intent. The PBGC was created for exactly this purpose and, in fact, was created because of the hardships faced by this group of people. We are only helping those people for whom the PBGC was created.

The only reason that these workers were not covered was due to PBGC's effective date. At that time, we in Congress had no idea as to how many workers had lost their pensions and feared that the PBGC would not have sufficient finances. ERISA was made 3 months retroactive. We are not breaking any new ground; ERISA itself was made retroactive, and what we are doing is going back and covering those 38,000 employees not picked up by the retroactive provision. During the first

3 years after ERISA's enactment, thousands of workers from 160 terminated plans received PBGC coverage even though their employers paid little or no premiums to PBGC. PBGC does not allocate employer contributions to specific accounts. All premiums are put into one fund that is to be used to pay out pension benefits.

One argument is that the PBGC does not have the money to pay for this bill. I want to emphasize something. There is no way the taxpayers are going to pay for it, notwithstanding the representations of the Senator from Utah. PBGC has the money to pay for it, \$3 billion on hand earning \$150 a year on its assets, positive cash flow of \$300 million in 1990 and expected to maintain that positive cash flow throughout the decade. It just settled a possible claim for \$3 billion. They worked that out with them. PBGC will not have to pay it.

While PBGC claims it has accumulated liabilities of \$1.8 billion, that figure is misleading. The PBGC liabilities are long-term. They pay out retirement benefits over a 50-year period. And, in addition, PBGC does not offset that liability against incoming premiums. With premium income of over \$700 million a year, PBGC will pay off its liabilities by 1997.

Congress has increased PBGC annual premiums significantly. It was increased from \$2.60 to \$8.50 in 1985. It was raised to \$16 in 1987. It was raised to \$19 in 1990. And the last increase, and I want to emphasize this, the last increase was one that the PBGC claimed not to need. Yet 1 year later they say they cannot afford this. Come on, who are they kidding? And they claim that the PBGC faces enormous future liabilities. The future is inherently speculative. But, it is unlikely that the PBGC will face growing liabilities.

The PBGC has recently, as I previously stated, been relieved of its major problem, the LTV problem. LTV shortly will put \$1.8 billion into the plan and will contribute another \$1.2 billion over the coming years. That settlement saves PBGC \$3 billion in liabilities.

Mr. President, this amendment that is in the bill that was supported by Senators KASSEBAUM and COATS in the committee, that was proposed to the U.S. Senate by Senator D'AMATO in 1981—and I assume that he still is a major supporter over it; I saw him on the floor a moment ago—this amendment is right. This amendment is fair. This amendment is the only decent thing to do. The Congressional Budget Office has indicated that it will not have an adverse budgetary impact, and I urge my colleagues to agree to table the amendment when the Senator from Washington and myself join in offering that tabling motion.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, as the Senator from Ohio correctly noted just then, I voted for the Pension Losers Act in the committee. I did so because I thought it was important that this issue be brought to the attention of the full Senate. I think it is a very important issue.

But, Mr. President, since the July vote, the situation regarding the Pension Benefit Guaranty Corporation has changed considerably. Perhaps most important is the adverse court ruling regarding the LTV Corp. pension plan. At this time I do not think it is prudent for the Senate to pass a Pension Losers Act without a better examination of the financial vitality of the PBGC. The Senator from Ohio just spoke to the situation regarding LTV, and it might be that this will be resolved in such a way that at an appropriate time we can consider this again.

But our first and foremost attention must be to ensure that those pension beneficiaries who are explicitly insured by the PBGC are fully protected and that the PBGC has the capability to fulfill its mandate. This is an important task and one that should not be taken lightly.

Legislation, such as the Pension Loser Act, is important and should be considered. However, I believe it should be considered as part of a comprehensive examination regarding the PBGC and its future liabilities. Accordingly, I do not think the Pension Loser Act should be included as part of the Older Americans Act, and will express my vote accordingly.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DURENBERGER. Mr. President, I rise, too, as a member of the committee to say first that the Older Americans Act that we are considering today authorizes some of the most important programs that the Federal Government sponsors for the elderly population, certainly programs that to my State of Minnesota have been not only popular but have given rise to a lot of self help, donated service programs, and community service programs for the elderly.

The current reauthorization bill expands several Older American Act programs at a 5-year cost of \$8.2 billion, and I think all of those dollars are very well spent.

I have been long involved and active in extending and expanding the programs authorized by the act. In my first year here, in 1979, I supported an increase in the 1980 budget authority by \$100 million for nutritional programs for the elderly. Then, in 1980, I voted to set goals for States to expand their Older Americans Act funding of home-delivered meals. Further, I supported raising the total authorizations under the act for 1982 through 1984. These increases included funding for nutritional programs, legal services, transportation, and social centers.

In 1987, I supported the amendment of my late colleague, John Heinz, that raised \$10 million for community service employment for older Americans under the Older Americans Act. In addition, I voted to increase funding for Meals on Wheels by \$1.4 million that same year. Also, before the reauthorization bill went to conference, I supported a \$100 million older Americans' allocation for States to provide home health care to low-income individuals.

So, Mr. President, this is by way of saying that we have worked with each other, colleagues on both sides of the aisle, to improve the Older Americans Act, and we have done that again this year. And I compliment both the majority and the minority for their contributions in this regard.

In this legislation we provide for increased spending for support services for older Americans and senior services. Over the next 5 years we are authorizing more than \$4.5 billion for these services as well as for congregate nutrition services and home-delivered meals.

In addition, this legislation includes more than \$16 million for a new Neighborhood Senior Care Demonstration Program. This program will promote changes in current health and long-term care delivery and payment systems. It will help communities develop the infrastructure to coordinate neighborhood-based formal health and informal support services that enable the elderly to remain in their homes.

I could go on and on. I could mention a particular program in the State of Minnesota, the Living at Home/Block Nurse Program, a unique program to serve the elderly, which is in this bill as national authorization because of experiments by and with the senior community in the State of Minnesota.

But, Mr. President, I come to the floor at this time, as I did during the course of the markup, to strongly object to injecting into the Older Americans Act the issue which we have before us, which is: What is it that we are going to do for those persons who were involuntarily retired from their employment prior to 1974 and the passage of the Employment Retirement Income Security Act.

I come from a State that suffered deeply, prior to the 1974 passage of ERISA. I am sure my colleagues then and my predecessors from the State of Minnesota were deeply moved at that time to help pass the ERISA provisions by Minneapolis Moline Corp., White Motor Co., St. Paul Milk Co., Franklin Creamery, Peters Meats, Swift & Co., Sunshine Biscuits, W.H. Sweeney & Co., Marshall Willis Hardware, Cutahy Packing House—I could name large, large Minnesota employers who went bankrupt, leaving people in my State without vested pension benefits prior to ERISA.

I have known many of those people. I lived with those people at the time.

But I rise today to support the amendment of my colleague from Mississippi because this is not the bill on which to take care of those people. Certainly, as all of my colleagues here have argued—other than the proponent of this amendment from Ohio—this is not the way in which to take care of the people who were involuntarily retired from Minneapolis Moline, White Motor, St. Paul Milk, Franklin Creamery, and Peters Meat.

If you want to do it, do it, but do not do it on the backs of people who have worked since 1974 for an even longer list of Minnesota companies that employ over half a million employees, because those companies are currently paying into the Pension Benefit Guaranty Corporation in order to ensure their employees' retirement.

It was just because of situations where individuals lost their pension benefits after working a lifetime for a company that Congress voted to adopt ERISA. But when Congress adopted ERISA in 1974, it specifically made the rules and protections of ERISA prospective. During floor debate in the Senate, Senators Gaylord Nelson, Henry Jackson, and LLOYD BENTSEN engaged in an extended colloquy over the timing of this bill. And it was clear to the authors of ERISA that employees who worked for companies that had gone bankrupt prior to ERISA would not benefit from ERISA.

Mr. President, under ERISA, employers that maintain defined benefit plans contribute premiums to the Pension Benefit Guaranty Corporation, a Government entity that insures the benefits of plan participants. Participants in plans are now guaranteed that they will not be left out in the cold when pension plans terminate in an underfunded State. However, let me reiterate, the authors of ERISA never intended to make the PBGC's coverage retroactive.

Mr. President, the pension rider in this bill jeopardizes the PBGC's fiscal integrity, thus endangering the safety net of the 40 million working men and women who are relying on PBGC to protect their pensions.

Moreover, the pension rider creates a dangerous precedent of raiding a designated trust fund to pay benefits unrelated to the purposes for which the trust fund was created. Passage of this bill can only serve to further erode the public's confidence in our ability to manage scarce resources.

The pension benefits rider attached to the Older Americans Act is financially irresponsible. The PBGC maintains a trust fund that contains terminated plan assets. If plans were fully funded at termination, PBGC would never take them over. So, by definition, PBGC's trust fund has more liabilities than assets.

In 1990, PBGC had \$5.1 billion in liabilities and \$3.3 billion in assets—

leaving a \$1.8 billion deficit. Somewhere along the line, that money must be found. But the situation is getting worse.

PBGC projects its 1991 liability will grow to \$8.3 billion and its assets will expand to \$6 billion. Thus, PBGC's deficit will grow from \$1.8 billion to \$2.3 billion in one year. That deficit trend will only get worse, not better.

I am deeply troubled that the sponsors of this bill want to spend money that is already spoken for. We estimate the pension rider to the Older Americans Act will cost, in current value, one half billion dollars. That's a great deal of money. And adding to an already startling PBGC deficit endangers the financial integrity of our pension protection system.

The PBGC's precarious financial status is no secret. An article in the Washington Post last July highlighted our fiscal plight. That article stated:

The federal agency that guarantees corporate retirement plans moved yesterday to take over two pension plans at bankrupt Pan Am Corp., warning that they were so underfunded they threatened the insurance safety net that protects the pensions of millions of American workers.

Yes, the PBGC has over \$3 billion in assets right now. But that money is as good as spent. How can we in Congress raid the pension trust fund at the risk of bankrupting the pension protections guaranteed to 40 million current workers.

Mr. President, how am I to go back to Minnesota and tell the 70,000 participants in Dayton Hudson's pension plan that I just took \$500 million out of their pension insurance fund? Will Pillsbury's 10,000 plan participants understand that when money is set aside in Washington for one purpose, Congress can simply shift those funds to another purpose?

The amendment creates a dangerous precedent of raiding a designated trust fund. I better refer to the amendment as the Pension Restoration Act as the pension rider which is already in this bill rather than the amendment which I am supporting—because in committee the Pension Restoration Act was in the form of an amendment, which I voted against, as did many of my colleagues. I ended up voting against the passage of the Older Americans Act. That was the first time in 13 years I voted against older Americans and certainly against this bill.

It was sort of an astounding thing for a Senator from Minnesota to do but I did it because of this so-called pension rider that jeopardizes the fiscal integrity of the PBGC.

As I said, I oppose this pension rider because it sets a dangerous precedent of spending money from a trust fund for purposes unrelated to the trust. Thus, even if PBGC could afford to pay the benefit described in the pension rider, I would oppose the bill.

Mr. President, I must say I have given this legislation careful consideration. Obviously, the political thing to do is to support the bill as presented to us, support the Older Americans Act, support giving benefits to persons who do not have them because they were involuntarily retired prior to 1974.

But, Mr. President, we need to be responsible. We certainly need to be responsible to the constituents who are already retired. We need to be responsible to those who are paying into the trust fund who are expecting there will be something there when they retire.

Today, I have approximately 600,000 of my constituents on whose behalf contributions are being made to a trust fund which is in deficit, and I cannot go back home and say that I lifted a half-a-billion dollars from that trust fund to pay for people who are not entitled to be paid from that trust fund.

Why should current plans subsidize, through premiums, those terminated plan participants that never contributed to the PBGC? We have raised the premiums on PBGC plans by 700 percent over the past 6 years, to the point where many employers are discontinuing their defined benefit plans. This bill simply reinforces the inclination of many employers to terminate their plans. Employers have a hard enough time justifying high premium costs to protect those who participate in the PBGC risk spreading pool—but subsidizing others not contributing to the insurance pool makes no sense at all.

The PBGC trust fund was created for a special purpose—a purpose different from what the sponsors intend with this legislation. Under the principles established by this bill, why not raid the Social Security trust fund to provide this benefit? I understand we currently have cash on hand in that fund, even though we know we need that money to finance the retirement of the baby boom generation.

In the alternative, let us use the highway trust fund, or our environmental accounts. Simply to suggest it is to reveal the absurdity of the position. We have many, many people who are hurting out there financially. But this is not the vehicle we should use to help them.

We should use our common sense and reject this invitation to bankrupt our retirement trust fund that we all rely upon. If we simply want to transfer wealth we should increase Social Security, benefits or change the tax code. But we should not undermine our pension security.

Mr. President, I have given this legislation careful consideration, and I believe it is fatally flawed. Even though some of my constituents in Minnesota would benefit from the bill, I have to keep in mind that an estimated 600,000 working Minnesotans are counting on the PBGC to protect their pensions. And I am unwilling to compromise

their security in order to benefit a narrow class of individuals.

I urge my colleagues to take a close look at this legislation and to support the amendment of my colleague from Mississippi.

Mr. COCHRAN addressed the Chair. The PRESIDING OFFICER. The Senator from Mississippi.

Mr. KENNEDY. Mr. President, I fully support S. 243 and oppose the motion to strike the provision of modest pension benefits to workers who never received the pension benefits promised by employers because their plans were terminated prior to the enactment of ERISA.

A pension is a fixed amount paid regularly by a former employer to a retired, disabled, or deserving person or his dependents. The estimated 41,000 pension losers who are potential beneficiaries under the Older Americans Act reauthorization have not received a fixed amount on a regular basis since their retirements.

In fact, these older Americans have received nothing because their former employers terminated their pension plans before ERISA was enacted in 1974.

Even though these deserving older Americans relied on these promised pensions; even though their plight led to the enactment of ERISA so future retirees would not be so denied, these pension losers were left out in the cold because the retroactivity of ERISA was not extended far enough to cover them.

Pensions are not handouts granted to workers by the benevolence of employers. They are basic benefits earned by years of loyal service, and are often a retiree's most significant asset. The pension losers had their most significant asset taken from them on the brink of retirement. This would not happen to workers covered under plans today.

Because the pension losers lost their earned benefits, the PBGC was created by Congress to insure that a similar plight does not befall retirees of companies with pension plans. Today, if an employer is unable to meet its pension obligations, PBGC takes over the obligations and pays the benefits.

Paying \$75 to eligible pension losers for every year they worked under their company's plan and paying surviving spouses half that much, will not recoup the significant benefits already lost; it will only restore a modicum of what the pension losers would be receiving today had their plans not been terminated.

The cost estimate of the pension losers provision is \$50 million for the first year and less each year thereafter—a small price to pay to give a dwindling number of older Americans the pension benefits they worked long and hard for and which they have for too long been denied.

The cost to the Government for this bill will diminish each year as fewer

beneficiaries survive, and the entire program is likely to phase out by the year 2000.

I appreciate concerns raised about adding to PBGC's existing contingent liability from insured pension funds—even this small and predictable amount.

But the pension losers provision as written addresses the concern over extending PBGC's liability. By making the pension losers liability secondary to new liabilities that may be incurred by PBGC for an insured plan's failure, payments to the pension losers would be reduced or even stopped—depending on the level of the new liability.

This would prevent the Pension Losers Program from bankrupting the PBGC, while fulfilling the promise to those whose misfortune made insured pensions a reality for millions of workers.

The Pension Losers' Committee, which has brought this issue to Congress' attention for years, was formed in Massachusetts by Ed Johnston, who lost his pension when the Perkins Machine & Gear Co. closed in 1971. Mr. Johnston was then 62 years old, and he dedicated the rest of his life until his death in 1989 to helping the thousands of workers at Perkins, Studebaker, and other companies whose pension plans were terminated pre-ERISA.

The work of the Pension Losers' Committee has been taken up by another Massachusetts man, Paul Edwards, who has continued to seek simple justice for elderly retirees and their spouses who have persevered for so long.

Their long and tireless efforts will finally be successful with passage of the Older Americans Act.

I commend Senator METZENBAUM for listening to their plea and Senator ADAMS for incorporating the pension losers provision into the Older Americans Act.

I also commend the aging groups for their support, and for their recognition of the unfairness that has been suffered by this small group of older Americans.

For many pension losers like Ed Johnston, passage of this program is too little too late.

But for thousands of others, like Paul Edwards, this program will restore some of the pension benefits they deserve and ensure that justice is finally done.

Mr. HATFIELD. Mr. President, I rise today in support of S. 243, the Older Americans Act Reauthorization Amendments of 1991. As a longtime advocate of services for the elderly, I am pleased with the success of the Older Americans Act, and I hope that through the reauthorization of this legislation we will continue to expand access to services and programs the elderly have come to depend on.

Over the past 26 years, the lives of millions of senior citizens and their

caregivers have been improved due to services provided by the Older Americans Act. Through our actions today, the original act will remain essentially intact, and will be strengthened by provisions which will modify existing programs to increase legal and elder rights services, transportation services, long-term care ombudsman programs, in-home care, and congregate meals programs. In addition, the role of the Administration on Aging will be strengthened to increase the ability of the Commissioner to be an effective advocate for the programs included in this act.

As the ranking minority member of the Senate Appropriations Committee, I have long supported full funding for the programs authorized under the Older Americans Act. In the last year, we have seen funding levels increase by more than \$111 million. For fiscal year 1992, the Labor/HHS/Education appropriations bill provides \$1,225,541,000 for programs authorized under the Older Americans Act. Since 1982, we have increased funding for aging programs by \$312 million.

Mr. President, today we have heard extensive debate on the pension provisions included in the Older Americans Act. I cosponsored S. 351, the Pension Restoration Act of 1991 because I believe that it is appropriate to compensate individuals for lost vested pension benefits. There remain approximately 40,000 people who are the victims of pension plans which terminated before the passage of the Employee Retirement Income Security Act of 1974. I would like to see Congress take action on a program which would pay these individuals at least part of their promised benefits.

However, I am now informed by the Pension Benefit Guarantee Corporation [PBGC] that S. 351, as included in the Older Americans Act, may not address the problem as I previously understood that it would when I decided to become a cosponsor. Because of bill language that would allow the PBGC to reduce benefits in certain circumstances, it is possible that the intended beneficiaries will not receive the benefits promised under this bill.

In addition, I am concerned about the solvency of the PBGC. Some estimates show the PBGC currently running a \$2 billion deficit due to bankruptcies of companies with large pension liabilities. This agency is charged with the duty of protecting the retirement security of over 40 million Americans. We should not take hasty action which might jeopardize this security by adding another large liability to this fund. Therefore, I must reluctantly vote to delete the pension restoration provisions from the Older Americans Act. It is my hope that we will revisit this issue in the future.

Despite my concerns over the pension provisions of this legislation, I strong-

ly urge my colleagues to carefully consider the benefits provided to the elderly and their caregivers by this legislation, and to vote accordingly. We must be prepared to provide adequate access to elder services as more and more Americans reach retirement age. The Older Americans Act is a successful building block that has met the needs of the elderly and will continue to do so for years to come.

• Mr. HARKIN. Mr. President, I rise in strong opposition to this attempt to delete important pension provisions in S. 243. These provisions would provide a modest measure of relief to thousands of workers and retirees who have lost pension benefits because their pension plans were terminated prior to the enactment of the Employee Retirement Income Security Act [ERISA] in 1974. They right a longstanding injustice perpetrated against workers who, through no fault of their own, lost pension benefits they had worked for. Many of these Americans had worked a lifetime only to see their hard earned pension benefits stripped from them. We owe it to these 38,000 surviving Americans and their families to correct the shortcoming of the original ERISA legislation that excluded from protections workers whose pension plans were terminated prior to 1974. It is simple justice, simple fairness.

I know there are those who will argue that this provision will bankrupt the Pension Benefit Guarantee Corporation [PBGC]. Those arguments are completely without merit and would appear to represent an attempt to unfairly cloud this issue. The PBGC has and will continue to have adequate resources to provide the very modest additional benefits to the small number of Americans this bill requires. In addition, the Labor Committee carefully crafted S. 243 to protect PBGC if its financial status dramatically deteriorates.

I must say that I find it quite ironic that the Bush administration would threaten a veto of the entire Older Americans Act because they oppose providing these Americans pension relief. This is the same administration that has promoted increased economic assistance for people in so many other countries other than our own. Mr. President, it's time we start taking care of the needs of Americans. Our own people are hurting and they deserve our assistance. The provisions do just that, help our own people in need. And they do it in a way that we can certainly afford.

I urge that this attempt to strike the pension losers provisions be defeated and that we swiftly move to give S. 243 final approval. Older Americans deserve nothing less.

Mr. RIEGLE. Mr. President, I want to reaffirm my support for S. 243, the reauthorization of the Older Americans

Act. This very important piece of legislation is the major instrument for delivering social and nutrition services to older persons. The programs under the Older Americans Act improve the lives of the Nation's elderly people by making it possible for them to live independently in their own homes. It removes individual and social barriers to economic independence and provides a full spectrum of care for vulnerable, elderly individuals. I am a staunch believer in the Older Americans Act and I support its reauthorization.

I do have some concerns, however, about the Pension Restoration Act provisions that was added to S. 243 by the Labor and Human Resources Committee. This Pension Restoration Act has highly laudable goals. It provides limited pension benefits to the people whose plight led to the establishment of the Employee Retirement Income Security Act of 1974 [ERISA], but who were arbitrarily excluded from ERISA's protection. These people, the so-called pension losers, had worked anywhere from 20 to 40 years for their employers, but lost their pensions, the retirement security that they had worked a lifetime to build, when their employers failed during the recessions of the 1960's and 1970's before the establishment of ERISA. Many of these companies such as Georgia Pacific, Borg Warner Corp.'s Norge Refrigerator Division, the Packard Motor Car Co., along with several others were located in my home State of Michigan. In the case of Georgia Pacific, its workers missed the eligibility for ERISA by 1 day. It seems unfair that the people whose misfortune led this Congress to establish ERISA were not covered by the act.

Now, at last, we have an opportunity to redress this unfortunate set of circumstances by passing the Pension Restoration Act as part of S. 243. Like many of my colleagues, I would rather consider this provision at another time, separate from the Older Americans Act programs, because of the possibility that restoring these pensions will lead to a Presidential veto of the entire bill. However, we need to act. For some of the pension losers it's too late; many are no longer with us. But there are still 40,000 people out there who need our help. The costs are relatively small, \$50 million a year—just \$50 million to correct an injustice. I do not think that is an unreasonable cost to pay.

I do have certain misgivings about the Pension Reform Act, however, namely the true financial condition and the management of the agency that would have primary responsibility for administering this program and distributing the lost benefits, the Pension Benefit Guaranty Corporation [PBGC]. The PBGC is also responsible for ERISA. The problem is that no one seems to know what kind of shape the

PBGC is in. The PBGC claims it cannot afford this legislation; it's running a deficit of \$1.9 billion. However, under its own forecast, based upon the average annual net claims over the most recent 9 fiscal years, the PBGC predicts that its deficit will be reduced to \$1.5 billion through 1997. Furthermore, the PBGC has a positive cash-flow of \$300 million; it takes in more money in premium income than it spends. The problem is that this kind of cash-flow analysis, the PBGC argues, does not take into account its future liabilities.

It's tough to get a handle on where the truth lies. And now, adding to the confusion surrounding the financial condition of the PBGC, the House Ways and Means Committee's Subcommittee on Oversight has discovered a whole new set of problems. Apparently, the PBGC's computer system for processing the collection of premium income was not operational for almost 2 years; as a result, its financial statements cannot be audited. And, to top it all off, the report indicates that the PBGC's system for monitoring the collection of premiums is inadequate—the PBGC can calculate the amount of premiums paid, but it is unable to determine if all premiums are being paid.

Is this what we want in a system that ensures working people against the complete loss of their benefits if their pension plans get terminated? I don't think so. Now, let me reiterate that I support the Pension Restoration Act and I think it should be passed. But there are big problems at the PBGC that go beyond whether it can afford to pay benefits to the pension losers. The management of the PBGC and its accounting methods all need to be reviewed. I know that many of my colleagues are going to argue that since there is this confusion about the PBGC, we should wait before considering the Pension Restoration Act. Well, I do not believe that the pension losers should be made to wait simply because the PBGC has management problems. Those problems should be corrected and I call on the administration to investigate what is going on at the PBGC and to get this important agency back on the right management track. This is only fair to the millions of workers who are relying on the PBGC to protect their hard-earned retirement pensions.

In conclusion, let me say that the Older Americans Act has been a successful program and has enjoyed strong bipartisan support for 25 years. It must be reauthorized. I urge my colleagues and the administration not to sacrifice the Older Americans Act over a provision that pays very modest benefits to people who need and deserve them.

Mr. GRASSLEY. Mr. President, I intend to support the motion to strike this provision.

I intend to do so primarily because the Pension Benefit Guaranty Corpora-

tion is an agency with potentially substantial funding shortfalls in the near future, and therefore now is not the time to be adding a new, \$500 million obligation, no matter how well-intentioned, to its liabilities.

One of the major responsibilities of the PBGC is to protect the pension benefits of retired workers. The need for such protection arises when an employer experiences financial distress and is unable to fund those benefits. The PBGC protects the pension benefits of about 31 million participants in about 93,000 single-employer pension plans.

Although the PBGC is probably not very well known by most workers or by most retirees, it is clearly, by virtue of its responsibility for protecting the pension benefits of 31 million people, one of the most important Federal agencies for millions of retired persons.

It seems to me that it follows that PBGC's financial health—its ability to pay for pension benefits in the event an employer cannot—is very important to all of us, but certainly to those workers and retirees who are dependent, or who will be dependent, on their pensions.

There does not appear to be an immediate risk to the PBGC's ability to pay benefits currently due and to meet its administrative expenses. As I understand it, just in the last 2 weeks, the GAO testified that the PBGC could meet its obligations for at least 10 years. However, my staff were told informally today by GAO staff responsible for financial audits of the PBGC that its financial condition is very fragile. Future bankruptcies could make its financial situation worse very quickly. It is not in particularly good financial health.

According to the General Accounting Office, in testimony presented before the Subcommittee on Oversight of the Committee on Ways and Means last August 1, the PBGC "*** is experiencing financial difficulties." The GAO stated further that the PBGC belongs on their list of high risk agencies and programs. The reasons for this were "the Corporation's longstanding control weaknesses, reported \$1.8 billion accumulated deficit, and possible future losses for underfunded ongoing pensions plans. ***"

The GAO also stressed in its statement, as PBGC representatives have stressed in recent briefings, that the Corporation faces considerable risk from possible plan terminations in the near future. At the present time, as I understand it, there is about \$20 to \$30 billion in underfunding of pension plans, concentrated largely in the airline, steel, and automotive industries.

According to the GAO, again in its August statement, there is about \$8 billion in underfunding among financially troubled companies in bankruptcy or close to it. And, according to the GAO

these figures do not include the effects of the current Economic downturn. The PBGC in briefings just last week, stated that the underfunding among such bankrupt or near bankrupt firms is around \$14 billion.

The GAO argued that, in the event that many of these underfunded plans terminate in the near future, "there is a serious question as to whether the Corporation's premium structure could be adjusted to meet the resulting funding needs. Such events could raise the possibility of Federal assistance. * * *

Mr. President, a number of other arguments could be advanced against this provision of the bill before us. I will just note them for the record here. They include Judge Duffy's recent decision, which deprives the PBGC of a priority standing in bankruptcy adjudication. This will have the effect of compromising PBGC's ability to recover in bankruptcy proceedings. They include the GAO's finding that PBGC's books are un-auditable, thus making it difficult to know what, exactly, the financial status of the PBGC is. And they include the fact that none of the employers of the intended beneficiaries of this provision paid into PBGC's trust funds. Therefore, it is current employers who will be supporting the Beneficiaries of this legislation. Furthermore, it seems clear that if we send the Older Americans Act to the President with this provision in it, he will veto the bill, and we will probably have to wait until sometime next year to enact the reauthorization.

It seems to me, as I said earlier, that this is not the time to be adding a new group of beneficiaries to the PBGC's responsibility. We need to be giving our attention to helping the PBGC cope with what appear to be very heavy obligations just around the corner, and making sure that the very large numbers of current pension plan participants and retirees will have the pensions on which they are counting.

I have been a strong supporter of the Older Americans Act over the years, Mr. President. I was chairman of the Subcommittee on Aging in 1984 and was responsible in that capacity for leading the reauthorization of the act in 1984. I believe that the Older Americans Act does much good, and would prefer to see it go to the President unencumbered by this pension losers provision so it can be enacted.

Mr. COHEN. Mr. President, the Older Americans Act of 1965 contained a declaration of objectives for the development of new programs to help older Americans. One of these objectives above the others stands out in my mind: "Retirement in health, honor, dignity—after years of contribution to the economy."

The simplicity of this declaration belies the great responsibility of the Older Americans Act—health care, income support, social services, nutri-

tion, transportation, housing, and community activities. In addition, it is a recognition that our senior citizens are and will continue to be a valuable, strong and colorful thread in the fabric of our society.

I am very pleased that the Older Americans Act Reauthorization Amendments of 1991 are now before the Senate for consideration. As the ranking minority member of the Special Committee on Aging, I have a particular interest in seeing that the needs of our senior citizen population are thoroughly considered and addressed.

I commend the Labor and Human Resources Committee for producing a bill that makes some significant changes in law that will allow seniors to be more effectively served by area agencies on aging and other support groups.

While the Older Americans Act is perhaps more widely associated with the Meals on Wheels Program, the act provides this and much more to senior citizens across the country. It supports a host of vital assistance and outreach programs for senior citizens, including legal services, in-home help for the frail elderly, services for those with special needs, adult day care, community education and transportation. These programs have served as a lifeline for thousands of senior citizens in my State of Maine, as well as countless senior citizens nationwide.

I want to take this opportunity to pay tribute to the 670 area agencies on aging around the country. During the time I have served on the Aging Committee, both in the Senate and the House of Representatives, I have been continually impressed by the dedication these agencies have to our senior population and to improving seniors' lives as they grow older. To cite one example, the Southern Maine Area Agency on Aging continues to expand its service of the elderly through advocacy and community outreach. Last year, it was successful in obtaining increased funds for the home based care program and operated a nationally recognized supplemental security income [SSI] outreach effort. It also secured the involvement of the U.S. Postal Service, the Portland Police Department, local town officials, and area hospital and health care organizations in programs to ensure that older people receive the support necessary to maintain their independence in the community.

The Nation's area agencies on aging are truly the backbone of the elderly support network—someone once called them "local angels"—and they provide us with invaluable information about the needs of the elderly. As my work on the Aging Committee continues, I will be seeking their advice and counsel as issues confronting our senior community arise.

As the population of elderly in this Nation grows, the work of the area

agencies on aging and the services authorized in the act will become even more important.

This year's amendments include new programs that will help us meet the challenges of the future. Of particular interest to me are the nutrition and health promotion programs authorized in the bill.

It is becoming increasingly clear that the prevention of today's illnesses depend more upon the actions of the individual than the actions of the community. Many of our most serious health problems are directly related to unhealthy behaviors—smoking, overeating, poor diet, lack of exercise, and abuse of alcohol and drugs. Today, more than ever, the way we die is directly related to the way we live.

That is why it is essential that the elderly be targeted for assistance in obtaining nutritious meals and having access to programs that educate them about health promotion and disease prevention. As the report of the Senate Labor Committee accompanying this bill notes, participation in these kinds of programs can both increase the quality of life for older Americans and reduce the need for expensive medical treatment. As we ponder the problems of health care in this Nation, certainly health promotion and diseases prevention must be considered part of the solution.

Study after study has shown that as a nation we dismiss the notion that older Americans can improve their health. We equate the aging process with frailty. Yet these same studies demonstrate that older individuals not only benefit from health promotion programs, they are quite willing to participate in them.

I am very pleased that the bill before the Senate includes a clear directive that older Americans' access to good nutrition, health promotion and disease prevention programs must be increased. I believe it will make a difference.

There is another important provision in the bill that adjusts the USDA commodity reimbursement level to inflation. This will allow area agencies on aging to serve more seniors because the reimbursement payments will more accurately reflect the actual cost of meals.

I also want to express my support for the new title VII provisions in the bill relating to elder abuse and elder rights. By focusing these two important issues in a new title, the bill takes a much-needed step toward better protection of the rights of elderly citizens and better means of preventing the abuse directed at vulnerable older Americans. Grants to States under this new title will attempt to improve outreach with elderly citizens so that they are aware of their rights, informed of legal assistance that may be available, and are aware of benefits and services to which they are entitled under the law.

Unfortunately, many of the diseases of aging rob individuals of their mental capacity to make the right decisions. In addition, isolation, physical limitations and other factors make it difficult for many elderly people to gather all the information they need in order to make the most beneficial decision.

Title VII of this bill attempts to improve this situation not just by making us aware of it and highlighting it by incorporating existing programs into a new title, but also by developing new programs that will improve the elderly citizen's ability to protect his or her rights.

Once again, I want to express my strong support for the passage of this bill. In its 26 years of existence, the Older Americans Act has proven to be a lifeline for our elderly population. The work of the Aging Committee has demonstrated that there are enormous challenges facing older Americans and those organizations that support them.

I believe the improvements included in the 1991 reauthorization amendments will make the aging network an even more effective advocate for the elderly and allow it to meet the challenges of caring for our senior citizens.

I urge my colleagues to support passage of S. 243.

Mr. COCHRAN. Mr. President, let me commend and congratulate and thank the Senators who have spoken in support of my amendment to strike the Metzenbaum language from this bill. The arguments, I think, have been very compelling.

This is a raid on a fund that is designed to protect pensioners and their benefits. And they have come to rely on this ERISA program for that purpose.

This amendment, if it is not stricken from this bill, is going to put in jeopardy that guarantee program. It is also going to jeopardize the Older Americans Act amendments which will improve benefits and services that will be provided by this bill. Two wrongs make a big wrong; they certainly do not make a right. I hope that Senators will vote to support the Cochran amendment.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. ADAMS. Mr. President, this has been a long debate this afternoon on the amendment, which is basically an amendment originally by Senator METZENBAUM of Ohio to say that the people who created the ERISA, the people who had paid into pension plans and did not receive them, only less than 40,000 of them, might receive \$75 for each year they worked up to 20 years. That is \$1,500 for 38,000 people which could be paid out of this fund, out of the investment money earned on its cash flow. So no taxpayer money is involved. There is ample money to pay

this. This is not an open-ended plan because these people are older people and they are rapidly dying out.

So this is a matter of common decency. It was first brought up by Senator D'AMATO in 1980. There have been hearings on it during the period of the eighties. There are ample funds to pay for this out of the reserve fund.

This is another case, Mr. President, where we have a trust fund set aside to help a group of people, middle-class working people who gave up part of their wages for a pension benefit and then the act was not retroactive enough to pick them up. So there are about 38,000 of them left. There will be fewer and fewer each year. The total amounts of \$500 million will never be spent. The total amount we ever heard, highest estimate was \$340 million over 20 years. That is \$51 million a year. It will undoubtedly not amount to that amount.

If this agency is in trouble, it is not because of the Congress, it is because of the administration's manner of handling that agency. I think I agree if it is in trouble we should go after it, but it has sufficient funds and the Congress has provided additional funds during the year to see to it that this can be done.

So I hope that my motion to table will be agreed to and that we will table the amendment of the Senator from Mississippi [Mr. COCHRAN] and that the bill will stay as it came out of committee giving these people a maximum of \$1,500, a surviving spouse \$750 a year, to help them in the elderly years of their life for a pension fund that they had paid into, and their companies had paid into, on their working 20, some of them as many as 40 years, in the Studebaker Co. or other companies where the fund just went broke and they were left with nothing. This is a great country. We can do this, and we can do it with no taxes. We can do it with simply using the funds that were placed there for that purpose.

So, Mr. President, at this point, I move to table the amendment of the Senator from Mississippi [Mr. COCHRAN] and 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.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mr. CRANSTON], the Senator from Iowa [Mr. HARKIN], and the Senator from Nebraska [Mr. KERREY], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 248 Leg.]

YEAS—46

Adams	Glenn	Packwood
Akaka	Gore	Pell
Baucus	Graham	Reid
Biden	Inouye	Riegle
Bradley	Johnston	Robb
Breaux	Kasten	Rockefeller
Bryan	Kennedy	Sanford
Burdick	Kerry	Sarbanes
Byrd	Lautenberg	Sasser
Coats	Leahy	Shelby
Conrad	Levin	Simon
D'Amato	Lieberman	Wellstone
Daschle	Metzenbaum	Wirth
DeConcini	Mikulski	Wofford
Dixon	Mitchell	
Dodd	Moynihan	

NAYS—51

Bentsen	Fowler	McConnell
Bingaman	Garn	Murkowski
Bond	Gorton	Nickles
Boren	Gramm	Nunn
Brown	Grassley	Pressler
Bumpers	Hatch	Pryor
Burns	Hatfield	Roth
Chafee	Heflin	Rudman
Cochran	Helms	Seymour
Cohen	Hollings	Simpson
Craig	Jeffords	Smith
Danforth	Kassebaum	Specter
Dole	Kohl	Stevens
Domenici	Lott	Symms
Durenberger	Lugar	Thurmond
Exon	Mack	Wallop
Ford	McCain	Warner

NOT VOTING—3

Cranston	Harkin	Kerrey
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So the motion to lay on the table the amendment (No. 1312) was rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

The amendment (No. 1312) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. ADAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, could we have order so that we can determine how we proceed with this bill at this point, whether we can finish it now?

The PRESIDING OFFICER. The Senate is not in order.

Will the Senator from Washington suspend, please?

The Senate is not in order.

The Senator from Washington.

Mr. ADAMS. I am aware of only one amendment from our side by Senator BINGAMAN, which I believe that we would be able to accept. I do not know how many amendments there are on Senator COCHRAN's side, but I hope we could limit the amendments and the time right now because I do not know of any other controversy in this bill.

Mr. COCHRAN. If the Senator will yield, Mr. President, I am happy to advise the distinguished Senator from Washington that there are a couple of amendments we have been advised about on this side. Senator MCCAIN has an amendment on the Social Security

earnings limitation. Senator Brown has an amendment dealing with the medicaid hot line issue. And I am not aware of any other amendments at this time. If there are Senators who do intend to offer other amendments, it would be helpful if we could be advised, so we could have an idea about how much longer the debate on the amendments would last, and when we could get a final vote on the bill tonight.

Mr. ADAMS. Mr. President, I might propose to the Senator from Mississippi, if there are only three amendments left, that we might be able to set a time. I do not know how much time Senator BINGAMAN wants, but he indicates he does not think it will take long. I think it will be accepted. I wonder if we might enter into a unanimous-consent agreement to vote on final passage of this bill at, say, 6:30.

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COCHRAN. Mr. President, if the Senator will yield, let me suggest that if we do—

The PRESIDING OFFICER. The Senate is not in order. The Senate will be in order before we proceed.

Mr. COCHRAN. Mr. President, my suggestion is that we just go ahead and proceed to take up the amendments. I do not think it will take long. We will just try to wrap them up as soon as possible.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1314

(Purpose: To amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age)

Mr. MCCAIN. 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 Arizona [Mr. MCCAIN], for himself, Mr. MACK, Mr. LOTT, Mr. PRESSLER, Mr. NICKLES, Mr. HATCH, Mr. KASTEN, Mr. HEFLIN, Mr. GRAHAM, Mr. REID, and Mr. SMITH, proposes an amendment numbered 1314.

Mr. MCCAIN. 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:

At the appropriate place, add the following:

TITLE —SOCIAL SECURITY EARNINGS TEST ELIMINATED

SEC. . SHORT TITLE.

This title may be cited as the "Older Americans' Freedom to Work Act of 1990".

SEC. . ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by

striking "the age of seventy" and inserting "retirement age (as defined in section 216(1))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(1))";

(3) in subsection (f)(3), by striking "33½ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "retirement age (as defined in section 216(1))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(1))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(1))".

SEC. . CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) UNIFORM EXEMPT AMOUNT.—Section 203(f)(8)(A) of the Social Security Act is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(b) CONFORMING AMENDMENTS.—Section 203(f)(8)(B) of such Act is amended—

(1) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(2) in clause (i), by striking "corresponding"; and

(3) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(c) REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.—Section 203(f)(8)(D) of such Act is repealed.

SEC. . ADDITIONAL CONFORMING AMENDMENTS.

(a) ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT ACT.—Section 203 of the Social Security Act is amended—

(1) in the last sentence of subsection (c), by striking "nor shall any deduction" and all that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60, or".

(b) CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.—Section 202(w)(2)(B)(ii) of such Act is amended—

(1) by striking "either"; and

(2) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(c) CONTINUED APPLICATION OF RULE GOVERNING ENTITLEMENT OF BLIND BENEFICIARIES.—The second sentence of section 223(d)(4) of such Act is amended by inserting

after "subparagraph (D) thereof" where it first appears the following: "(or would be applicable to such individuals but for the amendment made by the Older Americans' Freedom to Work Act of 1991)".

SEC. . EFFECTIVE DATE.

The amendments made by this Act shall apply only with respect to taxable years beginning after December 31, 1991.

Mr. MCCAIN. Mr. President, I rise to offer an amendment that is very simple. It simply repeals the Social Security earnings test. This amendment is cosponsored by Senators MACK, LOTT, PRESSLER, BRYAN, NICKLES, HATCH, KASTEN, HEFLIN, GRAHAM, REID, and SMITH.

Mr. President, there is a terrible inequity that is being inflicted upon the senior citizens of this country. It is in the form of the Social Security earnings test. It is a disincentive to the ability of seniors in this Nation to work. It is the cause, in my view, of a decrease in revenues, which is very important at this time, when we are facing the largest deficit in the history of this country.

Mr. President, the seniors of this country deserve better than what they are receiving today, when they want to go out and engage in the free enterprise system, get a job, work, support themselves and their families. The greatest disincentive to seniors in America working today is the Social Security earnings test. It must be repealed.

I want to take the opening objection to this amendment head on to start with; that is, the objection which is voiced, or the statement that is made by the Office of Management and Budget that next year the Federal Government will lose \$3.9 billion in revenue.

Mr. President, I have never seen a more classic example of a narrow and, frankly, myopic focus on an issue than that which OMB has taken on this one. This \$3.9 billion that they say will be lost in revenues in no way takes into consideration that if this limitation on Social Security earnings were repealed, tens of thousands of seniors all over this country would be out seeking work. Do you know what they would be doing? They would be paying taxes. I am convinced that, over time, it would not be a \$3.9 billion impact on the deficit in a negative fashion. It would mean billions of dollars of impact on the deficit in a positive fashion.

Mr. President, as you know, under the Social Security earnings test, for every \$3 earned by a retiree over the \$9,720 limit, he or she will lose \$1 in Social Security benefits this year.

Most Americans, frankly, are shocked and amazed to discover that older Americans are actually penalized for their productivity. No American should be discouraged from working. Every individual's desire and ability to contribute to society should be encouraged. Yet, the earnings test arbitrarily mandates that a person retire at age 65

or face losing benefits. This is plainly age discrimination, and this is plainly wrong.

As we address this very important piece of legislation, in my view, if we are really deeply and sincerely interested in the welfare and benefit of older Americans, it is our obligation to remove this most major impediment to their ability to take care of themselves in their older years.

Mr. President, there is an enormous accumulation of knowledge and talent that exists in the senior citizen community today. Let us make use of it. Let us allow those people to go out and work. Let us go out and let them pay taxes. Let us go out and give them the opportunity that clearly they deserve. There is no compelling justification for denying economic opportunity to any individual on the basis of age. There are over 40 million Americans age 60 or older who have over 1 billion years of cumulative work experience. Three out of five of these people do not have any disability that precludes them from working. In my view, Mr. President, for demographic reasons, as well as fairness reasons, our Nation needs these individuals, their talents, and their knowledge.

Most important, many of them must work to meet even the most basic expenses. A significant portion of the elderly population has no private pension or liquid investments, which, by the way, are not counted as earnings from their working years. Low-income workers are particularly hard hit by the earnings test for this reason. They are much less likely to be eligible for employer pension benefits and to have saved enough for retirement.

Those who did put aside savings or investments for their retirement years often see these funds dissipated overnight as a result of unanticipated circumstances, such as their own or a spouse's illness. Health care costs, rising at an astronomical rate, are an expense all Americans are having trouble meeting.

Mr. President, the earnings test effectively prohibits our senior citizens from working to pay these costs, or indeed any others, such as food and shelter. The value of a \$5-an-hour job subject to the earnings test, plummets to only \$2.20 after taxes. The earnings test translates into an effective tax burden of 33 percent. I repeat, the earnings test translates into an effective tax burden of 33 percent. Combined with Federal, State, and other Social Security taxes, it can amount to a stunning tax bite of nearly 70 percent. That is Federal tax of 15 percent, a FICA of 15.3 percent, earnings test penalty of 33 percent, and State and local tax of 5 percent.

Mr. President, how in the world can we justify laying a 70-percent income tax burden on any portion of our population, much less our senior citizens?

This type of harsh penalty is obviously a tremendous disincentive to work. No one who is struggling along at \$10,000 a year wants to face an effective marginal tax rate of almost 70 percent, and in fact, almost half a million elderly individuals who work earn annual incomes within 10 percent of the earnings limit. These people are desperately trying to get ahead and sustain a decent life in their retirement years, without hitting the limit.

On the contrary, studies have found that eliminating the earnings test could net \$140 million in extra Federal revenue. Furthermore, the earnings test is costing us \$15 billion a year in reduced production. Taxes on that lost production could help to reduce the massive Federal budget deficit.

Eliminating the earnings test would save additional dollars at the Social Security Administration—over \$200 million a year in reduced compliance costs. The earnings test is its largest single administrative burden. Sixty percent of all overpayments and 45 percent of benefit underpayments are attributable to the earnings test. Those seniors who inadvertently receive an overpayment are often faced with a nightmare in trying to repay Social Security and exist on limited incomes.

In addition, experts have predicted a labor shortage as the baby boom generation ages, and there is no doubt that as our birth rate in this country has declined, employers have had to develop new sources of employees.

Why are we discouraging our senior citizens from meeting that challenge? As the United States Chamber of Commerce has pointed out, "Retaining older workers already is a priority in labor-intensive industries, and will become even more critical as we approach the year 2000." It seems to me simply foolish, not to mention un-American, to maintain a policy that keeps people out of the work force. To tell people who are experienced and who desire to work, particularly at a time when we are facing the threat of economic recession and declining competitiveness, that they cannot work is just outrageous. Our country must pursue prowork, not proelfare policies, if we are to survive.

Finally, this is basically an issue of fairness. We need the skill and experience of older Americans. The earnings test is outdated, unjust, and clearly discriminatory. Over and over again, I have heard my colleagues rail against discrimination, but I am baffled by the fact that these same individuals fight to preserve this most egregiously discriminatory policy.

We are punishing our senior citizens, we are punishing people who want to be productive, and I believe it sends a dangerous message to all Americans. It is time to eliminate this policy and endorse fairness. I strongly urge my colleagues to vote in favor of this amendment.

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. MCCAIN. Thank you, Mr. President.

Finally, I would like to emphasize again I have heard proposals for gradually phasing out the earnings limitations, Social Security earnings test. I have heard proposals that we address that at some time in the future when economic conditions are better. I have heard proposals that, as OMB has said, this will cost \$3.9 billion as far as the deficit is concerned without taking into consideration the fact that tens of thousands of senior citizens would be earning money and paying more taxes into the coffers. The fact is it boils down to fairness. We should not penalize any American citizen of this country for wanting to work and help himself, his family, and his or her community.

Mr. ADAMS. Mr. President, will the Senator yield?

Mr. MCCAIN. I am just about finished. Then I will yield the floor, I say to my friend from Washington.

Mr. President, I emphasize again that it is time we addressed this issue, and it is time we gave our senior citizens breath.

I am glad to yield to my friend from the State of Washington.

Mr. ADAMS. Mr. President, there is more than a possibility this will be subject to a point of order. Rather than going to the point of order, if the Senator wishes to vitiate his request for the yeas and nays, the managers on both sides will accept the amendment by a voice vote and take care of the matter at a later time. I simply suggest that to the Senator so we will not get into a prolonged parliamentary discussion of whether or not this is subject to a point of order, the Finance Committee, and so on.

I simply offer that to the Senator as a way of moving the bill along and there will be another opportunity for the Senator at a later time.

Mr. MCCAIN. I thank my friend from Washington.

Mr. THURMOND. Will the distinguished Senator yield?

Mr. MCCAIN. Yes, I yield.

Mr. THURMOND. I advocated a similar measure some years ago. Will the Senator have my name added to his as a cosponsor of the amendment?

Mr. MCCAIN. I ask unanimous consent that Senators D'AMATO and THURMOND be added as cosponsors.

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

Mr. MCCAIN. I say to the Senator from Washington could I consider his kind and generous offer while other colleagues speak on this issue. I am glad to respond to him within 5 minutes.

The PRESIDING OFFICER (Mr. KOHL). The Chair recognizes the Senator from Oklahoma.

Mr. NICKLES. I see my friend, Senator MACK from Florida. I will not be that long.

I wish to congratulate and compliment our colleague, Senator McCAIN, for an outstanding amendment. I think it is high time we eliminate the most punitive and unfair tax we have on our books today, the penalty that we impose on senior citizens for working beyond the age of 65. We penalize them with a surtax, a 33-percent surtax on their earnings above \$9,720. It makes their marginal tax bracket the highest of any American. No American pays a higher marginal tax bracket than a senior citizens who happens to have earned income above \$9,720.

I think that is unfair. It needs to change and it needs to change tonight. I hope we will pass it, and I hope we will have a recorded rollcall vote and let people know where we stand on this most important issue. It is an issue whose time has long come.

I have heard a lot of people state they are generally supportive of the earnings limit repeal. But we really need to pass it. This amendment is talking about trying to help senior citizens. It is telling senior citizens who really need to work that we will not penalize you for doing so. The people who are really penalized are the people who have a job, who are working who have earned income above \$9,720. These senior citizens are faced with a tax penalty or surcharge of 33 percent, giving them the highest marginal rate of any American.

I do not think that is right. I do not think we should tax them out of the marketplace with the idea that this is going to make room for other people. Frankly, we need their expertise. We need their experience. We need their productivity. And we should not be telling them no.

I think senior citizens who wish to work, or in most cases senior citizens who need to work, do not have unlimited unearned income so they need to earn income, they want to work, and most likely they need to work and we should not prohibit that by excessive taxation.

Any time you have marginal rates that exceeds 60 percent, you are making it impossible for seniors or anybody under that type of oppressive tax structure to work. You have taxed away their freedom. You have made them a slave of Government.

Any time someone is forced to work more than half the time for the Government instead of for themselves, they become somewhat of a slave of Government, and that is not right. It is unfair. And it so happens the group we really penalize in this category are senior citizens, senior citizens between the

ages of 65 and 70 that are straddled with this penalty.

The earnings limit needs to be repealed, and the sooner the better. Again I compliment my colleague, the Senator McCAIN from Arizona. He has been a leader in this battle for years. Many of us have been working to make it happen. I think it is high time that we vote to free senior citizens, to allow them to work more for themselves than they do for the Federal Government. Mr. President, I yield floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. MACK. Mr. President, I rise in support of the amendment offered by the Senator from Arizona.

Let me start by saying that from my perspective the earnings test is a threat to personal freedom. It is, in fact, discriminatory. It is irresponsible tax policy. And it does not meet today's realities.

Let me go back and touch on the point that was just made by the Senator from Oklahoma, talking about personal freedoms and the fact that tax policy really is forcing decisions on the part of our senior citizens. I believe that every American should have the right to work as long as they want to work, and some may argue in reality they do in America. But when you look at tax policy today, I think that you can make the opposite argument. Tax policy is so restrictive, it in fact takes so much of the earnings, that the conclusion that most would come to is that they are not going to work as a result of the cap on Social Security earnings.

The decision on when to retire should be made by an individual, not by the Federal Government. And again they are being coerced by tax policy.

It has been mentioned several times that the Social Security earnings test is discriminatory, and within the retirement community itself it is thought of as discriminatory. We have talked at length about a 33-percent marginal tax rate. The reality is that in the age group of 62 to 65, if you earn more than \$7,080 then you give up \$1 in Social Security benefits for every \$2 that you earn over that \$7,080. That is a 50-percent marginal tax rate.

Social Security beneficiaries between the ages of 65 and 69 who earn more than \$9,720 have to give up \$1 in benefits for every \$3 that they earn. This was the point which was made by the Senator from Arizona about the 33-percent marginal tax rate.

But if you are over 70, you can earn as much as you are able to earn and there is no additional marginal tax rate.

I mentioned that I believe it is irresponsible tax policy. Some have mentioned a marginal tax rate of almost 70 percent. Let me give you this again, from my perspective. Because of the

earnings test, a working American may end up paying a minimum marginal tax rate of 72 percent—that is the 50 from the earnings limit, a 15-percent income tax, and 7.65-percent FICA tax. Add those together and it totals a 72-percent marginal tax.

Some people might conclude that seniors do not have to work after age 65. I have received letters, and I have a feeling that probably every Member of the Senate has received letters from their constituents, making the case that they do, in fact, have to work. Many of the letters from my constituents say that their husband or their wife is ill and they need this extra income to provide the care that is necessary to take care of the husband or the wife.

It was mentioned by the Senator from Arizona that OMB estimates that \$3.9 billion would be lost as a result of repealing the earnings cap. That is because the OMB analysis of the impact of tax policy on our economy is done from a static position. The assumption is everything else remains the same. That just does not work.

If in fact you lift the cap, it has been estimated by the National Center for Policy Analysis that 700,000 seniors would enter the work force creating about \$15 billion worth of goods and paying approximately \$4.5 billion in additional taxes. It only makes common sense that if more people are working there is going to be a greater revenue base for the Federal Government.

The earnings test just does not meet today's realities. We are going to debate in the years to come where America will find a large enough, skilled enough work force to carry out all the requirements of our economy.

Mind you, the earnings test was put into effect in the 1930's when the intent was to keep seniors out of the labor force in order to give young people the opportunity for employment. It has been suggested by many economists that over the next 10 years our difficulty is going to be trying to find enough skilled workers. Which brings me to my next point.

This group of Americans ages 65 and older probably are one of the most educated, skilled groups of people in the country, and for us to be sending them the message that they are not needed any longer is wrong.

I want to tell my colleagues about a meeting I had in Florida at the Johnson & Johnson Co. in Safety Harbor. They try to hire retirees because Johnson & Johnson has found them to be the most-productive, the best-trained, the best-skilled workers they can find.

After my discussion with a group of working seniors about whether they supported the repeal of the Social Security earnings cap, an individual came up to me and said, "Senator, we live in a throwaway society. Don't let them throw us away." And what he was say-

ing was this country is giving those well-educated, well-trained, highly skilled individuals the message that we do not need them anymore, and that is a terribly wrong message to be sending.

On a personal note, my grandfather at the age of 66 was fortunate enough to manage one of our Nation's great baseball teams—the 1929 Philadelphia Athletics. Some people claim it was the best baseball team ever assembled. Suppose it was this Nation's message in 1929 that somebody age 65 or 66 was just too old, that we did not need them any longer? He might never have had his chance of achieving his dream of winning the 1929 World Series. And I might add he went on beyond that to win an additional World Series Championship.

We have to change the message that this Nation is delivering to senior citizens. Because they are needed. They are important. They do make a difference. They have a value that is in great need in our Nation.

The Social Security earnings test is in fact unfair and discriminatory. American seniors provide a wealth of skills, knowledge, and expertise. This is a policy that needs to be changed.

The repeal of the earnings test is supported by Members of both the House and the Senate, Democrats and Republicans, conservatives and liberals alike. The time for getting rid of the unfair and discriminatory earnings test is now, and I hope that we will be able to do so today.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. I yield to the Senator from Florida.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida.

Mr. GRAHAM. Thank you, Mr. President.

Mr. President, last August, I worked with Jim Young at a large supermarket in Pace, FL. I worked with Jim for a day as his coworker in his regular job as a bag boy. There is nothing particularly unusual about working as a bag boy except for Jim Young's age. Jim Young is a man who has already retired from one career in the military, is approaching 60, and is working in a supermarket.

Bag boys are jobs that we used to associate with teenagers. We also used to associate with teenagers many of the jobs around fast-food franchises. I do not know if you have been to one recently, Mr. President, but if you have, you may well have noted, as is an increasingly prevalent circumstance, that the people working behind the counter of the fast-food franchise were also persons approaching or beyond the age of normal retirement.

There has been a fundamental change in the nature of the American work

force. It is being driven in part by demographic factors.

The fact is that beginning in the late 1960's and persisting through much of the decade of the seventies, we had a sharp decline in the birth rate in this country and therefore the pool of teenagers today is unusually small. We have a large and growing number of persons who are at or beyond retirement age and therefore that rich pool of talent is available to fill positions that we used to think of as age-denominated for teenagers.

Mr. President, the arguments for why to restrict the ability of the Jim Youngs and the millions of others like him in America from their full earnings potential has shifted over the 50 years of this debate. When the original earnings cap was imposed, it was done, as my colleague, Senator MACK has just stated, out of the belief that we needed to encourage people to leave the work force at older ages so that positions would be available for younger workers.

The reality is that that societal need has long since passed, and is particularly inappropriate to the work force that exists in the decade of the 1990's. But, frankly, Mr. President, it did not make a lot of difference because most people died not very long after they reached the age of 65 anyway, and so there was not a large pool of people after retirement who were available to take employment.

Today, that circumstance has dramatically shifted. We are now in a situation where, for every 7 days a person lives, it adds 2 days to his or her life expectancy. We have become a society which is reaching ages unknown in any society in the history of the world. We are a country which will soon have over 1.5 percent of its population beyond the age of 85, a level that has already been attained in my State. Not only are people reaching these advanced ages in large numbers, but they are reaching those ages in a high state of physical and mental health and energy and a desire to continue to be actively involved.

So the original reasons for this earnings cap limitation have now evaporated. A new reason has been presented and it is the reason that has been stated already by the sponsor of this amendment, and that is that the Office of Management and Budget has said it would impose a \$3.9 billion additional charge on the Social Security fund. Accepting that statement as being correct, let us look at the state of the Social Security fund. Prior to 1983 there was a great deal of concern about where this important program was going. There was apprehension it was going to soon run into serious financial difficulties.

So a commission was convened. It was chaired by the current Chairman on the Federal Reserve Board, Mr. Alan

Greenspan. It had on it distinguished Members such as our colleague, Senator MOYNIHAN of New York.

The commission that met in the early eighties had the charge of developing a three generational financial plan for Social Security. They made a series of projections of what would be necessary in terms of a Social Security budget surplus in order to be able to bridge from the current generation into that large group of retirees who would be entering Social Security eligibility early in the 21st century.

The projection made in 1983 was that by the end of the calendar year 1990—and Social Security is on a calendar year, not the Federal fiscal year—that there would be a budget surplus in Social Security of \$123 billion. That was what the 1983 plan called for.

The reality at the end of calendar year 1990 was not a budget surplus in Social Security of \$123 billion but a surplus of \$225 billion, \$100 billion more surplus than had been projected in 1983 when the basic plan for Social Security through the middle of the 21st century was laid in place.

The Social Security fund is now in a financial condition that it can accept this additional responsibility of the additional outlays that will flow by lifting this arbitrary, outdated earnings cap.

There are some very positive things that will happen to our Nation as a result of lifting this cap. One of those is that potentially thousands of people who today are constrained or limited in their work commitment will become available to the Nation—a rich pool of talented people. That rich pool of talented people will be paying taxes as employed persons that they are not now paying. I think they will substantially offset, in the overall accounting of the Federal Government, the \$3.9 billion of additional Social Security benefits that they will be receiving.

We will also be making a very significant, positive impact on the quality of life of those thousands of Americans; thousands of people, like Jim Young, who will feel a new sense of economic security because they will know that they can augment their retirement and their Social Security by their own efforts; thousands of people who will feel a new sense of self-worth because they will be able to contribute to their own support to the extent that they wish and are able to do so.

We, with the assistance of our colleague from Arizona, have found a provision in the law which is outdated, which had a social objective in its inception which is no longer relevant to our times, and which is constricting the attainment of important goals for individuals and for our society.

I urge my colleagues to join in support to the amendment of the Senator from Arizona.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wisconsin.

Mr. KASTEN. Mr. President, I am pleased to join as a cosponsor of this amendment to eliminate the Social Security earnings test. The earnings test is one of the most antigrowth provisions in Federal law. It effectively forces many of our senior citizens into retirement long before they wish to go. By providing that seniors age 65 to 70 lose \$1 in Social Security benefits for each \$2 in earnings above the earnings limit, the law establishes an additional 50-percent marginal tax rate on seniors with limited resources.

It is estimated that over 700,000 elderly Americans would enter the labor market to work if the retirement earnings test were eliminated. This would increase the annual output of goods and services in this country by over \$15 billion.

Repeal of the earnings limit is one of a number of progrowth tax incentives I have been supporting to help pull the economy out of recession and promote long-term economic growth.

In addition to being good economic policy, this amendment will restore fairness. After contributing to Social Security for decades and reaching age 65, seniors are told that they must either eliminate significant outside earnings or lose large amounts of their Social Security benefits. The earnings limit is particularly unfair because it applies only to earned income. Investment income does not trigger the earnings limit. Only work is punished. This is unfair to those Americans who wish to keep working and in fact need to keep working in order to meet their expenses.

This amendment would not cost the Government revenue. It would raise revenue. The hundreds of thousands of seniors who will work as a result of a repeal of the earnings test will pay taxes on their wages and they will contribute to the Treasury as well as to the economy.

I urge my colleagues to vote in favor of elimination of the Social Security earnings test.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, Senators on this side are prepared to accept the amendment of the Senator from Arizona.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. MCCAIN. Mr. President, I would, first of all, like to thank my colleague and friend from Washington and from Mississippi for agreeing to accept this very important amendment.

I think they should also get great credit and appreciation from all of us for the hard work they have done on this bill. I understand their desire to reach a conclusion, a final vote, as soon as possible.

I am prepared to accept or to seek unanimous consent to vitiate the vote.

Mr. HATCH. Mr. President, I rise to urge my colleagues to carefully consider the looming disincentive many of our working senior citizens are facing in the form of the Social Security retirement earnings limitation. It is past time that we eliminated this restrictive policy. This limitation, which reduces the Social Security benefits of retirees under age 70, in effect sends a negative message to working recipients of Social Security. This message is that the Federal Government does not value their continued contribution to the work force. The reality of the situation, Mr. President, is that we need those contributions in the workplace now more than ever.

Many in our senior work force not only want to keep working after age 65, but because of their economic situations, these people may need to keep working. Do we want to discourage them?

The current system, which punishes seniors for working, was developed in the Great Depression years when jobs were scarce. It is foolish for our Government to now have such a restrictive policy, which results in effective marginal tax rates of 56 percent and higher. This is for a low-income retired worker, supposedly in the lowest tax bracket. This means that, should this worker exceed the earnings limitation, he or she keeps only 44 cents of each dollar earned. Subtract from this 44 cents the State tax on those earnings, and you can see the tremendous disincentive these retired workers face. After a lifetime of believing that hard work pays off, it is extremely frustrating to face an economic situation where more work leads to so little additional pay.

Many of our workers turning 65 are faced with a difficult dilemma. Either they must continue working full time and give up all or part of their well-earned Social Security benefits, or they must retire and accept a lower standard of living. Either choice leads to the feeling that one is being cheated.

It is ironic and unfair that those retirees with large amounts of unearned income from interest, dividends, and pensions do not face a reduction of Social Security benefits, no matter how much of this income they enjoy. Those retirees who struggle to get by on their Social Security, and would like to supplement their income by continuing to work, however, are discouraged from doing so. This is poor public policy and goes against American ideals.

Mr. President, our Nation is beginning to face shortages of skilled workers. While these shortages are presently more visible in some regions of the Nation than others, the lack of experienced labor will prove to be one of our biggest challenges as we enter the

new century. One solution to this problem lies with our senior citizens. In many ways, this group represents the best America has to offer. They have the skills; they have the experience; they have the work ethic. We cannot afford to discourage members of this group who wish to continue working.

This amendment represents a turn in the right direction, a signal that we believe our work force between the ages of 62 and 70 are a much-needed and integral part of our economy. These individuals have much to contribute. We need their experience, and we need their wisdom. Let us not discourage them from making this contribution by taxing away most of their earnings.

I urge my colleagues to support the senior citizens of this country by supporting this amendment.

Mr. GRASSLEY. Mr. President, I intend to support the amendment to repeal the Social Security retirement earnings test offered by Senator MCCAIN. I have asked to be added as a cosponsor.

In the 101st Congress, I supported a proposal to liberalize the Social Security earnings limitation included in the act for better child care.

I have supported repeal of the Social Security earnings limitation for a long time, Mr. President.

Many older Americans want to work more than they do now, but find themselves penalized by taxes and lost Social Security benefits to the point at which it makes no sense to increase the hours they work. Many others may not want to work more than they do now, but desperately need the additional income. However, with very high marginal tax rates, it makes little sense for a Social Security retiree to increase her or his work effort.

I believe that this is unfortunate, Mr. President, not only because the individual would benefit financially as well as in personal satisfaction were he or she to continue to work, but the society at large would benefit as well. This will be particularly the case as the numbers of younger workers continues to decline and employers search desperately for qualified workers. The availability of a large group of skilled and motivated workers will certainly help fill the gaps created by the declining number of younger workers.

I have long thought that the resource constituted by older people could be better used by our society by not discouraging those who want to continue to work from doing so.

Mr. D'AMATO. Mr. President, I rise today to lend my strong support to the amendment offered by my colleague from Arizona, Senator MCCAIN, which calls for the total elimination of the Social Security earnings test.

The earnings test is a patently unfair provision of the Social Security Act, which denies workers age 65 to 69, \$1 in Social Security benefits for every \$3

they earn over \$9,720 per year. This benefit reduction is a 33-percent effective tax, plain and simple, that when combined with Federal, State, and Social Security taxes, makes senior citizens the most heavily taxed group in our population.

Not only is this blatantly discriminatory against senior citizens; it also threatens our economy by discouraging vast numbers of senior citizens from remaining in the work force. At a time when our Nation faces a growing labor shortage, we cannot afford to let such an enormous pool of experienced and productive citizens simply fall by the wayside. We should be encouraging our seniors, not penalizing them.

Mr. President, opponents of this measure will argue that eliminating the earnings limit will cost too much. Frankly, I think this view is wrong—and overlooks the stimulative effects of unshackling senior citizens who would like to work, but do not because they know they will be penalized by the earnings limit. In fact, one recent study using dynamic revenue models projects that repealing the earnings test will actually net the Government \$140 million in additional revenue.

Mr. President, this body has debated the earnings test extensively. Well, we have talked about the earnings limit long enough; the time has come to scrap it altogether.

I strongly encourage my colleagues to join me in support of the amendment by Senator MCCAIN, and I urge its immediate adoption.

Thank you, Mr. President.

Mr. REID. Mr. President, as a Senator from the fastest growing State in the Nation, and a State that is becoming a haven for retirees, I rise to support the amendment offered by my colleague from Arizona, Senator MCCAIN.

I commend him for his legislation to eliminate the Social Security earnings test. Senior citizens should not be penalized for working—I have always found it ironic that our national policy is one of discouraging older Americans from being active. This law is unfair and counterproductive. It deprives employers of highly skilled and motivated potential employees at a time when the younger labor force is shrinking due to low birth rates.

I support the repeal of this unneeded earnings test. I know the communities of Nevada need the talents and work ethic of our older Americans, and I know the entire United States needs this, too.

EARNINGS TEST REPEAL

Mr. DECONCINI. Mr. President, I rise today once again to support legislation to remove a blight upon our Nation's elderly—the Social Security earnings ceiling upon workers age 65 and older. While there may be a more flagrant example of an idea whose time has come and gone, I can honestly report I do not know what idea that would be. Over

time, the earnings test has come to work against, not for, the very people the Social Security system was intended to protect. Worse yet, the earnings test works its injustice in the most regressive way imaginable.

The amendment I am supporting today itself is not a new idea; repealing or reforming the so-called retirement test has been proposed in nearly every Congress since passage of the original Social Security Act in 1939. Indeed, since I have been in the Senate, I have cosponsored or sponsored efforts every year to repeal the earnings test or reduce its impact.

Mr. President, I do not believe for a moment that any of my colleagues would describe an average social security retirement benefit of \$569 per month as an exorbitant sum upon which to live. Even when one adds to that meager amount the sum of \$9,720, the maximum earnings amount before which benefits are reduced, the total equals only \$16,548 in pretax income. Even if we were to double the maximum earnings ceiling today, that sum still could not be reasonably described as a staggering sum upon which to live.

As our beloved colleague from Florida, an American who was unequaled in his commitment to the elderly, the late Representative Claude Pepper, once said:

When the social security program was enacted in 1935, the earnings limitation attracted scant attention. Life expectancy and inflation were at much lower levels than at present. A worker was expected to retire at age 65, if not sooner.

The current earnings test is predicated on the expectations of a bygone era. Today, Americans reaching the age of 65 can expect to live for 16 (and) ½ more years. The average individual monthly social security retirement benefit * * * will not allow one to retire for that length of time.

In addition, fewer older people intend to spend 16 years in the rocking chair. Today, older Americans are demanding the right to stay on the job. With today's skyrocketing consumer prices, many older Americans have no choice but to stay on the job.

Given today's realities, it is simply unfair * * * It is unfair and it is bad social policy.

Mr. President, nothing has changed since Representative Pepper challenged Congress to correct this inequity nearly 10 years ago. The reality today is that the choice to work or receive full benefits remains not a choice at all; financial or health-related financial considerations require that too many of our elderly give up all or most of the Social Security benefits which they have worked and paid for over several decades. I share our late friend's belief that limiting seniors' incomes in this way is unwise, unjust, and reflects poorly upon a nation who owes a great debt of gratitude to these same individuals for building the foundation of the bountiful economy we now enjoy.

Mr. President, an obligation that is readily assumed by most civilized societies is to care for its elderly. It is a

principle rooted in the universal structure of the family, and expanded upon by many employers. Since the 1930's, and the advent of the Social Security system, the U.S. Government has also assumed part of that obligation.

But in administering that system, I believe, we have made some unfortunate errors. By merely establishing an eligibility age for Social Security recipients, we have to a certain extent implied that once an individual reaches that age he can be counted among the elderly or aged, and thus should no longer contribute to society. Also implicit is that he is no longer able to contribute to his own well-being. We have for all practical purposes taken the definition of "caring" to its literal extreme—we imply that once an individual requires care from the Social Security system, the care he receives should be limited to Social Security.

Neither of these assumptions is, of course, absolute or even intended. But they are both implied by the rule which limits the amount of outside income a 65-year-old Social Security recipient can earn to a meager \$9,720 dollars, and then taxes any amount earned above that at an astonishing 33½-percent rate until the person reaches age 70.

The rule, of course, applies to all Social Security recipients, all of whom have spent most or all of their adult lives contributing to the system, fully and legitimately expecting the Government to hold up its end of the bargain when they retire. But consider the average American who reaches the eligibility age and finds he still possesses the skills or talents that have served and supported him throughout his working life. His choice is to quit working and draw Social Security only, or to continue working and also draw Social Security, and pay inordinately high taxes on the income he is still earning. Such a system clearly discourages the work ethic upon which this Nation was built. And by implying that a person should not contribute to the economy past a certain age, it conspires to strip an elderly person of that which he cherishes most: his dignity.

Mr. President, the major argument for repealing the ceiling is equity for older persons. The money older persons pay into Social Security is theirs. It does not belong to the Government and, for the most part, our Government should have no say in how it is paid back. Even if one does not accept that premise, one must acknowledge that the policy unfairly discriminates against the elderly who are still contributing to our national economy. Sadly, our national policy dictates that Social Security recipients only lose benefits because they work, not because they earn income. Nonworking seniors receiving equivalent sums of unearned income through passive investments or deferred compensation do

not lose a single dollar. The same is true if a nonworking recipient earns millions per year in unearned income. Moreover, once the individual reaches age 70, they are also exempt from the earnings test.

It is hard to believe that such a regressive policy exists in our land. However, it is even harder to imagine that we maintain this outdated policy based upon some notion that its elimination is somehow inconsistent with the social insurance nature of the system. However, the Social Security system has never been a pure social insurance system; almost from the beginning, older recipients received an annuity and younger recipients received earnings replacement compensation. While I agree that Government should target its assistance to those most in need, the current income eligibility criteria must be considered to be ill conceived and unsuited to achieving its own stated intent—to promote social equity.

Not only does the worker pay tax premiums during his working lifetime but economists have clearly demonstrated that the tax on the employer is also a tax on labor. In effect, the employer passes on his share of the Social Security payroll tax to the workers in the form of lower wages.

By the time a worker reaches age 65, I believe he has earned his Social Security annuity. To require an older person to give up gainful employment is attaching a cruel penalty upon a pension which he has bought and earned.

There are two other reasons for repealing the wage ceiling. I remind my colleagues that the American Medical Association has reported that older persons suffer serious physical and mental harm by being induced to retire sooner than they would otherwise. The result, higher health care costs for the individual as well as Federal and State governments in the form of higher Medicare costs. In turn, the added, yet preventable, strain upon medical care facilities causes inflationary pressures upon medical care costs.

Lastly, another reason for repeal is the heavy drain upon the national economy caused by the loss of skills and production of older persons who withdraw from the labor force in order to collect their full Social Security checks. In a time of shortages in many sectors of the labor market, maintenance of a policy which encourages greater erosion of the labor market's pool of skilled and professional talent simply makes no sense at all.

The opponents of repeal of the earnings test argue the cost is too great for the relief granted to too few. They argue repeal, if it should ever be enacted, should occur only after the more pressing problem of the aged, poor, disabled, and such have been met. The opposition asserts it certainly should not come at a time when the deficit looms large and higher priority use of public

funds than removal of the retirement test are casualties in the war against inflation.

Mr. President, of course I agree that the aged and infirmed should be provided a higher standard of living. This Senator has fought throughout my career in the Senate as hard as any of the opponents of repeal of the earnings test to assure that the twilight of our seniors' lives is not spent anguishing over very difficult decisions: Whether to eat or stay warm, or the choice between decent housing and vital health care. However, the legacy of neglect of the poor or infirmed elderly from the past decade is no reason to erect a barrier to progress in today's battle for equality for the working elderly.

I object most strenuously to the opposition to the resolution of a fundamental social equity issue solely on the grounds that the Congress has failed to satisfactorily address another compelling need. Such a tactic pits one inequity against another in competition for redress—whatever the result, both are diminished.

Moreover, I am troubled that the same cost arguments are offered against repeal legislation, and all assumptions are resolved against the proposal—that is, assuming the greatest cost. Again, I argue that the costs are exaggerated by the methodology which ignores how much the test costs the overall economy in terms of lost production. The problem simply exists that no reliable data exist upon which to calculate the offset—this does not mean that a significant loss in production does not occur. In addition, the lost income and payroll tax revenue to Federal, State, and local governments is also not included in the computation of the cost of earnings test repeal legislation. Some economists have estimated as much as 80 percent of the total repeal cost would be offset by increased income and payroll tax revenues alone.

Mr. President, I urge my fellow colleagues to join with me in support of this amendment to give back to older persons what they have earned and help the economy by regaining use of the talents of experienced workers.

Mr. MCCAIN. Mr. President, I ask unanimous consent to add Senator GORTON as a cosponsor of this amendment.

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

Mr. MCCAIN. Mr. President, again, I want to express my appreciation to the Senators from Washington and Mississippi for accepting this amendment.

Let me just make a couple of comments.

I am very much afraid that this amendment will be dropped in conference. I believe that, not because of any lack of good faith on the part of our distinguished managers of the bill here, but because of the longstanding

opposition that exists in the other body to removing this Social Security earnings limitation.

So, as much as I appreciate accepting this amendment, I am very much afraid we will not have resolved the issue.

So I would like to say to my friend from Washington and to my friend from Mississippi and other Members of this body, if, indeed, this amendment, this very important and vital amendment in my view, is dropped in conference, I intend to revisit this issue in the form of another amendment at a later time. I may have to do so on a piece of legislation which is less germane than the legislation that we are considering here today.

I say that in hopes that I will not have to do that. I say that in the deep and profound hope that it will be accepted in conference and will become part of law, the removal of this terrible inequity which has been inflicted upon our senior citizens for many years. At the same time I must give fair warning that if it is not, I intend to pursue this issue and this amendment until it is resolved in favor of fairness and decency.

With that, Mr. President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.
Mr. MCCAIN. I thank the Chair.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment of the Senator from Arizona.

The amendment (No. 1314) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1315

(Purpose: To require the continued operation of certain Medicare telephone hotlines)

Mr. BROWN. 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 Colorado [Mr. BROWN], for himself, Mr. MCCAIN, Mr. COATS, and Mr. JEFFORDS, proposes an amendment numbered 1315.

Mr. BROWN. 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:

At the end of title VII, add the following new section:

SEC. . OPERATION OF MEDICARE HOTLINES.

From amounts appropriated for HCFA Medicare contracts, the Secretary of Health and Human Services shall continue to oper-

ate the beneficiaries toll free telephone lines under section 1889 of the Social Security Act (42 U.S.C. 1395zz) at the same level and in the same manner as such lines were operated prior to July 1, 1991, and shall reinstate reimbursement to carriers for the operation and maintenance of provider toll free telephone lines at the same level of service and in the same manner as such lines were operated prior to July 1, 1991.

Mr. BROWN. Mr. President, this amendment is a very straightforward matter. It simply requires that the 800 lines for Medicare servicing be maintained as they have been in the past. Without this legislation, at the end of this month we could well see the loss of those lines. It would be a devastating impact to people in rural districts around the entire Nation. Virtually everyone who lives outside of a metro center would have to make a long-distance call to find out the proper procedure for filing their claims or for finding out why their Medicare payment was not made. This represents less than 2 percent of the administrative costs of Medicare. Let me repeat it, less than 2 percent of the cost for Medicare. And yet it is probably the most important expenditure they have.

This measure had bipartisan support earlier in the year. We have 62 Senators, both Democratic and Republican Senators, signing a letter to the President urging this vital service be maintained. This amendment simply ensures that this service will continue.

This amendment directs the Secretary of Health and Human Services to maintain the toll free hotlines for Medicare beneficiaries and reinstate the provider toll free line reimbursement for carriers.

The toll free lines provide vital information for 34 million beneficiaries, including where they can find a Medicare participating physician who will accept assignment, ask questions regarding Medicare covered services, and receive updated information on appeals on denied claims. Medicare beneficiaries also use the 800 lines to report instances of Medicare fraud.

The provider lines offered information on complex billing procedures, appeals on claims, and up-to-date information on covered services. This service was offered by 14 carriers until July 1, 1991, when the Department of Health and Human Services shut down reimbursement to these carriers for this service. This service was crucial to rural providers who cannot afford prime time long distance calls. With the advent of the new Medicare fee schedule, now is the wrong time to be limiting methods of communication with physicians.

Both the Senate appropriations committee report and the House-Senate conference report on H.R. 2707, the Departments of Labor, Health and Human Services, and Education appropriations for fiscal year 1992, include language directing the continuation of the hot-

lines. The administration, however, still plans to significantly reduce or eliminate services to Medicare beneficiaries under the hotlines and has suspended provider toll free line reimbursement.

On June 28, 1991, 10 Senators sent a letter to Secretary Sullivan asking him to review the decision to shut down the provider lines. As of this date, no reply has been issued by the Secretary to this letter. I submit a copy of our letter to the Secretary and ask that it be printed in the RECORD along with my statement.

On October 7, 1991, 62 Senators signed a letter to the President asking him to insure that the beneficiary lines will be continued at current services and asking that he review the decision to eliminate the provider lines. As of this date, we have not received a substantive reply on how the administration is going to proceed on this issue.

I ask unanimous consent that the letters be printed in the RECORD.

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

U.S. SENATE,

Washington, DC, June 28, 1991.

Secretary LOUIS SULLIVAN,
Department of Health and Human Services,
Washington, DC.

DEAR SECRETARY SULLIVAN: We are writing to express concern over recent action taken by the Health Care Financing Administration with regard to certain administrative costs incurred by the 37 Medicare contractors.

It has come to our attention that the Health Care Financing Administration has issued a notice to Medicare contractors informing them of impending administrative budget cuts for fiscal year 1992 based on the proposed levels of funding contained in the President's fiscal year 1992 budget. This notice, which instructs carriers that the toll free lines for providers will no longer be a reimbursable administrative cost, has created serious concerns and problems for Medicare participating physicians.

While we are all concerned about the fiscal year 1992 budget and its implications for funding public health care programs, there is also valid concern for containing administrative costs by encouraging accurate billing. Medicare participating providers purchase complex billing instructions from the various carriers. Providers have come to rely on the 800 lines to assist billing staff in correctly coding claim forms.

We are also aware that 14 Medicare contractors have replaced their toll free 800 lines with 900 lines, which add a profit margin to each call. Considering that providers have already paid hundreds of dollars to purchase claims filing books from each contractor, additional charges for answering questions on this same material may not be appropriate. We ask that your office review this situation as soon as possible.

The 800 lines have been an effective method of assisting providers in their interaction with Medicare. With the advent of Resource Based Relative Value Scale (RBRVS), Medicare providers will need contractors to be available to answer potential questions on implementation and changes in reimbursement policy during the next few years. We feel the 800 lines are an important tool in as-

uring continued participation of providers in the Medicare program.

We look forward to hearing from you on this important issue.

Sincerely,

Hank Brown, Dennis DeConcini, Larry Pressler, Alfonso D'Amato, John W. Warner, Larry E. Craig, Malcolm Wallop, J. James Exon, Steve Symms, James M. Jeffords,

U.S. Senators.

U.S. SENATE,

Washington, DC, October 3, 1991.

HON. GEORGE BUSH,
The President, The White House, Washington,
DC.

DEAR MR. PRESIDENT: We are writing to express our concern about actions by the Department of Health and Human Services (HHS) and the Office of Management and Budget to suspend toll-free telephone information services for Medicare beneficiaries and providers.

It is our understanding that toll-free information service for Medicare beneficiaries may be discontinued in coming weeks by HHS's Health Care Financing Administration. This follows on the heels of the July 1 suspension of toll-free lines for health care providers.

We are deeply concerned that the elimination of toll-free service for information on Medicare will adversely affect the ability of Medicare patients, particularly low-income senior citizens, to fully understand and obtain the benefits they are entitled to receive.

In fiscal year 1991, beneficiaries' toll-free lines handled 15.8 million calls from Medicare clients at a cost of \$22 million, about \$1.39 per call. The elimination of toll-free service will force Medicare patients on fixed incomes to pay for costly, prime time long-distance calls if they have questions about benefits or claims.

Similarly, the administration's earlier decision to no longer reimburse Medicare carriers for toll-free lines for health care providers eliminated one of the most cost-effective methods of meeting the needs of Medicare clients.

Medicare providers are required to submit all claims on behalf of their Medicare patients. With the anticipated changes in the Medicare fee schedule and the complexity of the program, health care providers need basic support services to help them comply with correct billing procedures.

Toll-free provider lines cost an estimated \$3 million annually to maintain. In fiscal year 1990 they serviced 6.2 million calls, for about \$.48 per call. Toll-free provider lines have been especially important to physicians in rural areas who have relied on them to assist in answering patient questions and concerns about Medicare. It now will be much more difficult for physicians' offices to provide the same level of information services to their patients because of the added time and expense of calling the Medicare carrier long-distance.

On June 28, 10 Senators sent a letter to HHS Secretary Louis Sullivan asking for a review of the Department's decision to shut down the toll-free lines, but never received a response. Last July, the Senate Appropriations Committee report on the fiscal year 1992 Labor-HHS-Education appropriation bill identified the continued operation of the toll-free lines as a priority.

We ask that you intervene to stop the elimination of Medicare beneficiaries' toll-free lines. We also ask that as soon as they become available, fiscal year 1992 HHS con-

tingency funds be released to support this service and reinstatement of the reimbursement allowance for provider toll-free lines.

Sincerely,

Hank Brown, Dan Coats, J. James Exon, Charles E. Grassley, Larry Craig, Larry Pressler, Richard C. Shelby, Bob Smith.

Dennis DeConcini, Charles S. Robb, Herbert Kohl, Mark O. Hatfield, William S. Cohen, Thomas A. Daschle, James Jeffords, Bob Graham, Paul Wellstone, Joseph R. Biden, Jr., Trent Lott, Richard Bryan, Paul Simon, Connie Mack, Conrad Burns, Sam Nunn, Quentin N. Burdick, Timothy E. Wirth.

Tom Harkin, Alfonse M. D'Amato, John McCain, Ernest F. Hollings, Harris Wofford, Brock Adams, David Pryor, Howell Heflin, Kent Conrad, Malcolm Wallop, John Warner, Daniel K. Akaka, John Chafee, Richard Lugar, Patrick Leahy, Dale Bumpers, John B. Breaux, Wyche Fowler, Jr.

Donald W. Riegle, Jr., Barbara A. Mikulski, Max Baucus, Don Nickles, Bennett J. Johnston, Arlen Specter, William V. Roth, Jr., Joseph Lieberman, Christopher Bond, Robert W. Kasten, Jr., Daniel K. Inouye, John F. Kerry, Mitch McConnell, Nancy Landon Kassebaum, Carl M. Levin, John C. Danforth, David Boren, Jeff Bingaman,

U.S. Senators.

Mr. BROWN. Mr. President, these lines are cost effective. In fiscal year 1991, a total of 26.2 million calls were made to the beneficiary and providers lines at a cost of \$25 million—or \$.95 per call. Toll-free lines are the most cost efficient method the Government has of communicating complex information regarding Medicare policy and claims processing information.

Congress just appropriated more than \$1.45 billion for administrative costs for Medicare carriers. The cost of operating these lines, which totals \$25 million, can be met through existing appropriations available to the Department of Health and Human Services.

I hope my colleagues will join me in supporting the adoption of this directive language to S. 243.

I do not know of opposition either on the Democratic or Republican side.

Mr. ADAMS. Mr. President, on this side we are prepared to accept the amendment of the Senator from Colorado.

• Mr. HARKIN. Mr. President, will the senior Senator from Washington yield for a question?

Mr. ADAMS. I would be pleased to yield to the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. During the course of the appropriations proceedings, I received a letter from Senator BROWN which requested that the conference on H.R. 2707 include language regarding the maintenance of the 800 toll-free numbers to beneficiaries and providers. I am pleased to report that the conferees did agree to such language and it is included in the Conference Report on H.R. 2707.

The language included in the conference report assumed that the admin-

istration will, as it has in the past, release Medicare contractor contingency funds to fund these initiatives. In fact, my office has received informal assurances that these funds will indeed be released. The Medicare contractor funds including both the regular and the contingency funds increase 10 percent over the 1991 level. It is these funds that should be used to pay for the cost of toll-free lines.

The language offered by Senator BROWN would permit these moneys to be diverted from other HCFA accounts such as nursing home certification, rural hospital transition grants, medigap counseling, research and demonstrations, as well as Federal administration. Cuts in these programs are unnecessary by the approach already agreed to by the conferees on H.R. 2707. Not only are they unnecessary, the Appropriations Committee, after a great deliberation, feels that these several important programs cannot and should not be cut below the levels agreed to by the conference.

The difficulty however, with mandating this expense to come from Medicare contractors is that we do not, at this time, know how it would be scored by OMB. If OMB scores this at levels higher than H.R. 2707 has already been scored, it will cause a domestic sequester.

If between now and the time we go to conference it is determined that this matter will cause a sequester of all domestic programs, will the Senator from Washington agree to delete the matter in conference?

Mr. ADAMS. I want to thank the Senator for bringing this matter to my attention, and I certainly would not support this language if it would cause a sequester of domestic programs or would unduly harm other HCFA programs.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I commend the distinguished Senator from Colorado for his amendment and recommend to Senators on our side that the amendment be approved. I recommend it be adopted.

Mr. GRAHAM. Mr. President, I ask unanimous consent to be listed as a cosponsor of the amendment of the Senator from Colorado.

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

Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1315) was agreed to.

Mr. ADAMS. 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.

AMENDMENT NO. 1316

(Purpose: To establish grants for Native American elder rights protection activities)

Mr. ADAMS. Mr. President, I send an amendment to the desk that has been agreed to on both sides by Senator BINGAMAN to establish grants for Native American elder rights protection activities, I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. ADAMS], for Mr. BINGAMAN, proposes an amendment numbered 1316.

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:

Strike section 601 of the amendment and insert the following:

SEC. 601. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

The Act (42 U.S.C. 3001 et seq.) is amended by adding at the end the following new title:

"TITLE VII—GRANTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

"PART A—GENERAL PROVISIONS

"SUBPART 1—GENERAL STATE PROVISIONS

"SEC. 701. ESTABLISHMENT.

"The Commissioner, acting through the Administration, shall establish and carry out a program for making allotments to States to pay for the Federal share of carrying out the elder rights activities described in parts B through E.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

"(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out part B, in accordance with this subpart, \$20,000,000 for fiscal year 1992, \$21,000,000 for fiscal year 1993, \$22,050,000 for fiscal year 1994, and \$23,150,000 for fiscal year 1995.

"(b) PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.—There are authorized to be appropriated to carry out part C, in accordance with this subpart, \$10,000,000 for fiscal year 1992, \$10,500,000 for fiscal year 1993, \$11,020,000 for fiscal year 1994, and \$11,570,000 for fiscal year 1995.

"(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out part D, in accordance with this subpart, \$10,000,000 for fiscal year 1992, \$10,500,000 for fiscal year 1993, \$11,020,000 for fiscal year 1994, and \$11,570,000 for fiscal year 1995.

"(d) OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out part E, in accordance with this subpart, \$15,000,000 for fiscal year 1992, \$15,750,000 for fiscal year 1993, \$16,540,000 for fiscal year 1994, and \$17,360,000 for fiscal year 1995.

"SEC. 703. ALLOTMENT.

"(a) IN GENERAL.—

"(1) POPULATION.—In carrying out the program described in section 701, the Commissioner shall initially allot to each State, from the funds appropriated under section 702 for each fiscal year, an amount that bears the same ratio to the funds as the population age 60 and older in the State bears to the population age 60 and older in all States.

"(2) MINIMUM ALLOTMENTS.—

"(A) IN GENERAL.—After making the initial allotments described in paragraph (1), the Commissioner shall adjust the allotments in accordance with subparagraphs (B) and (C).

"(B) GENERAL MINIMUM ALLOTMENTS.—

"(1) MINIMUM ALLOTMENT FOR STATES.—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made.

"(i) MINIMUM ALLOTMENT FOR TERRITORIES.—Guam, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 702 for the fiscal year for which the determination is made.

"(C) MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.—

"(1) OMBUDSMAN PROGRAM.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(a), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under title III.

"(ii) ELDER ABUSE PROGRAMS.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(b), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out programs with respect to the prevention of abuse, neglect, and exploitation of older individuals under title III.

"(D) DEFINITION.—For the purposes of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(b) REALLOTMENT.—

"(1) IN GENERAL.—If the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Commissioner shall make the amount available to a State that the Commissioner determines will be able to use the amount for carrying out the purpose.

"(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subpart, be regarded as part of the allotment of the State (as determined under subsection (a)) for the year, but shall remain available until the end of the succeeding fiscal year.

"(c) WITHHOLDING.—If the Commissioner finds that any State has failed to qualify under the State plan requirements of section 705, the Commissioner shall withhold the allotment of funds to the State. The Commissioner shall disburse the funds withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of the State submitting an approved plan under section 705, which includes an agreement that any such payment shall be matched, in the proportion determined under subsection (d) for the State, by funds or in-kind resources from non-Federal sources.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the costs of carrying out the elder rights activities described in parts B through E is 85 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the costs shall be in cash or in kind.

In determining the amount of the non-Federal share, the Commissioner may attribute fair market value to services and facilities contributed from non-Federal sources.

"SEC. 704. ORGANIZATION.

"In order for a State to be eligible to receive allotments under this subpart—

"(1) the State shall demonstrate eligibility under section 305;

"(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 305; and

"(3) any area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 305.

"SEC. 705. STATE PLAN.

"(a) ELIGIBILITY.—In order to be eligible to receive allotments under this subpart, a State shall submit a State plan to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require. At a minimum, the State plan shall contain—

"(1) an assurance that the State, in carrying out any part of this title for which the State receives funding under this subpart, will establish programs in accordance with the requirements of this title;

"(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, and other interested parties regarding programs carried out under this title;

"(3) an assurance that the State has submitted, or will submit, a State plan in accordance with section 307;

"(4) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

"(5) an assurance that the State will use funds made available under this subpart for a part in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this title, to carry out the elder rights activities described in the part;

"(6) an assurance that the State agrees to pay, with non-Federal funds, 15 percent of the cost of the carrying out each part of this title; and

"(7) an assurance that the State will place no restrictions, other than the requirements specified in section 712(a)(5)(C), on the eligibility of agencies or organizations for designation as local Ombudsman entities under section 712(a)(5).

"(b) APPROVAL.—The Commissioner shall approve any State plan that the Commissioner finds fulfills the requirements of subsection (a).

"(c) NOTICE AND OPPORTUNITY FOR HEARING.—The Commissioner shall not make a final determination disapproving any State plan, or any modification of the plan, or make a final determination that a State is ineligible under section 704, without first affording the State reasonable notice and opportunity for a hearing.

"(d) NONELIGIBILITY OR NONCOMPLIANCE.—

"(1) FINDING.—The Commissioner shall take the action described in paragraph (2) if the Commissioner, after reasonable notice and opportunity for a hearing to the State agency, finds that—

"(A) the State is not eligible under section 704;

"(B) the State plan has been so changed that the plan no longer complies substan-

tially with the provisions of subsection (a); or

"(C) in the administration of the plan there is a failure to comply substantially with a provision of subsection (a).

"(2) WITHHOLDING AND LIMITATION.—If the Commissioner makes the finding described in paragraph (1) with respect to a State agency, the Commissioner shall notify the State agency, and shall—

"(A) withhold further payments to the State from the allotments of the State under section 703; or

"(B) in the discretion of the Commissioner, limit further payments to the State to projects under or portions of the State plan not affected by the ineligibility or non-compliance, until the Commissioner is satisfied that the State will no longer be ineligible or fail to comply.

"(3) DISBURSEMENT.—The Commissioner shall, in accordance with regulations prescribed by the Commissioner, disburse funds withheld or limited under paragraph (2) directly to any public or nonprofit private organization or agency or political subdivision of the State that submits an approved plan in accordance with the provisions of this section. Any such payment shall be matched in the proportions specified in section 703(d).

"(e) APPEAL.—

"(1) FILING.—

"(A) IN GENERAL.—A State that is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with the court not later than 30 days after the final action. A copy of the petition shall be transmitted by the clerk of the court to the Commissioner, or any officer designated by the Commissioner for the purpose.

"(B) RECORD.—On receipt of the petition, the Commissioner shall file in the court the record of the proceedings on which the action of the Commissioner is based, as provided in section 2112 of title 28, United States Code.

"(2) PROCEDURE.—

"(A) REMEDY.—On the filing of a petition under paragraph (1), the court described in paragraph (1) shall have jurisdiction to affirm the action of the Commissioner or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Commissioner may modify or set aside the order of the Commissioner.

"(B) SCOPE OF REVIEW.—The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence. If the court remands the case, the Commissioner shall, within 30 days, file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(C) FINALITY.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(3) STAY.—The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the action of the Commissioner.

"(F) PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistant under this title to reveal any

information that is protected by the attorney-client privilege.

"Subpart 2—General Native American Organization Provisions

"SEC. 706. NATIVE AMERICAN PROGRAM.

"(a) ESTABLISHMENT.—The Commissioners, acting through the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

"(1) assisting eligible entities in prioritizing, on a continuing basis, the elder rights needs of the service population of the entities; and

"(2) making grants to eligible entities to carry out the elder rights activities described in parts B through E that the entities have determined to be priorities.

"(b) APPLICATION.—In order to be eligible to receive assistance under this subpart, an entity shall submit an application to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require.

"(c) ELIGIBLE ENTITY.—An entity eligible to receive assistance under this section shall be—

"(1) an Indian tribe; or

"(2) a public agency, or a nonprofit organization, serving older Native Americans.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$5,000,000 for fiscal year 1992, \$5,250,000 for fiscal year 1993, \$5,510,000 for fiscal year 1994, and \$5,785,000 for fiscal year 1995.

"(e) DEFINITION.—As used in parts B through E, with respect to an activity carried out with assistance made available under this section, the term 'State' or 'State agency' includes an eligible entity described in subsections (c).

"Subpart 3—Administrative Provisions

"SEC. 707. ADMINISTRATION.

"(a) AGREEMENTS.—In carrying out the elder rights activities described in parts B through E, a State agency, or an eligible entity described in section 706(c), may, either directly or through a contract or agreement, enter into agreements with public or private nonprofit agencies or organizations, such as—

"(1) other State agencies;

"(2) area agencies on aging;

"(3) county governments;

"(4) universities and colleges;

"(5) Indian tribes; and

"(6) other standards or local nonprofit service providers or volunteer organizations.

"(b) TECHNICAL ASSISTANCE.—

"(1) OTHER AGENCIES.—In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of such agencies and departments of the Federal Government as may be appropriate.

"(2) COMMISSIONER.—The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to programs established under this title and to individuals designated under the programs to be representatives of the programs.

"SEC. 708. AUDITS.

"(a) ACCESS.—The Commissioner and the Comptroller General of the United States and any of the duly authorized representatives of the Commissioner or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"(b) LIMITATION.—State agencies, area agencies on aging, and eligible entities de-

scribed in section 706(c) shall not request information or data from providers that is not pertinent to services furnished in accordance with this title or a payment made for the services."

Mr. ADAMS. Mr. President, I have no further statement on the amendment.

Mr. COCHRAN. Mr. President, there is no objection to this amendment. We recommend its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1316) was agreed to.

AMENDMENT NO. 1317

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

Mr. COCHRAN. Mr. President, on behalf of the distinguished Senator from Kansas [Mr. 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 1317.

Mr. COCHRAN. 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:

In section 403 of the amendment, insert "(a) IN GENERAL.—" before "Section 411(a)".

At the end of section 403 of the amendment, add the following new subsection:

(b) TRAINING FOR PROFESSIONAL AND SERVICE PROVIDERS.—Section 411 is amended by adding at the end the following new subsection:

"(e) Of the amounts made available under section 431(a)(1) for each fiscal year, \$450,000 shall be used for making grants and entering into contracts under this part to establish and carry out 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 subparagraph (a);

"(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."

Mr. DOLE. Mr. President, I rise today to offer an amendment that will authorize and 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 or 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 problem. 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 or Alzheimer's disease.

Mr. COCHRAN. Mr. President, this amendment has been cleared on this side. We recommend its adoption.

Mr. ADAMS. Mr. President, this amendment has been cleared on our side also, and we recommend its adoption and are in support of it.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1317) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1318

(Purpose: To make uniform the effective date for compliance with the Older Workers Benefit Protection Act by certain collectively bargained benefits)

Mr. LEVIN. Mr. President, I send an amendment to the desk, which I understand now has been cleared on both sides, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 1318.

Mr. LEVIN. 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:

In the appropriate place in the bill insert the following new section:

SEC. . Amend section 105 of the Older Workers Benefit Protection Act (Public Law 101-433) by striking the semicolon at the end of paragraph (b)(1) and inserting thereafter the following: "or that is a result of pattern collective bargaining in an industry where the agreement setting the pattern was ratified after September 20, 1990, but prior to the date of enactment, and the final agreement in the industry adhering to the pattern was ratified after the date of enactment, but not later than November 20, 1990;"

Mr. LEVIN. Mr. President, the purpose of this amendment is to make clear that the Older Workers Benefit Protection Act applies equally in terms of effective dates to the collective bargaining agreements which have been negotiated between the United Automobile Workers and General Motors, Ford, and Chrysler in 1990.

In the automotive industry, collective bargaining agreements are reached through pattern bargaining, meaning wages, benefits and other basic terms of employment are first agreed between the UAW and one domestic auto company, and then bargained to substantially identical agreements with the remaining auto companies. This process has been the practice in effect in the auto industry for decades.

One of the provisions of OWBPA extended the effective date for compliance with the act to June 1, 1992, for certain collectively bargained benefits plans. The timing of pattern collective bargaining in 1990 placed Chrysler third in line after General Motors and Ford. Because of the timing of the collective bargaining involving Chrysler and the enactment of OWBPA, it is arguable that the contract negotiated between the UAW and Chrysler was not in effect at the time OWBPA was enacted and, as a result, is not covered by the provision for the delayed effective date. It is clear that General Motors and Ford are already covered by the provision for the delayed effective date.

This amendment makes clear that the delay in the effective date which applies to the General Motors and Ford contracts also applies to the contract negotiated between the UAW and Chrysler during that 1990 timeframe.

It is a rather technical amendment. I understand that the Senator from Mississippi, though, has cleared it. I am wondering. Before I proceed, I want to make sure of that. I was so informed of that. I want to make sure, before I proceed, that in fact is accurate, that my staff has accurately told me the amendment has been cleared on both sides.

Mr. COCHRAN. If the Senator will yield, I am advised the amendment is acceptable and has been cleared on this side.

Mr. LEVIN. I thank my friend.

Mr. ADAMS. I want to state to the Senator from Michigan that the amendment is acceptable on this side, and we recommend it be adopted.

Mr. LEVIN. I thank the Senator from Washington and the Senator from Mississippi both for clearing the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1318) was agreed to.

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, if I could advise the manager on the Democratic side that we have one other amendment that we understand has been cleared to be offered by the Senator from California [Mr. SEYMOUR]. He is prepared to offer the amendment. I know of no other amendments. So we are about to get to the point of final passage.

Mr. ADAMS. I know of no other amendments.

Mr. COCHRAN. Let me say I suggested to Senators on this side that we would be well advised to pass this bill on a voice vote. We have no request on our side for a record vote.

Mr. ADAMS. I have no request on our side for a record vote, either. Does the Senator wish to offer the amendment for Senator SEYMOUR?

Mr. COCHRAN. I am told he would like to offer it in his own behalf. Awaiting his further advice, maybe we should put in a quorum call.

Mr. ADAMS. We have no other request for amendments.

Mr. BUMPERS. Will the Senator yield? What is the parliamentary situation, Mr. President? Is there an amendment pending?

Mr. ADAMS. I say to the Senator that we have completed all of the amendments with the exception of the Seymour amendment which he wishes to offer himself. It has been accepted by both sides. We are prepared to move after that to final passage. I know of no request for a rollcall vote that has been made on this side, and Senator COCHRAN has indicated he has no request for a rollcall vote on the other side.

Mr. BUMPERS. There is no request for a rollcall vote?

Mr. ADAMS. No. We are waiting for Senator SEYMOUR at this point. He wishes to present his own amendment which we have indicated we would accept.

Mr. BUMPERS. Mr. President, pending the arrival of Senator SEYMOUR, I would like to take a couple minutes of the Senate's time to say, after the fact, why I voted against Senator Metzbaum's amendment to the bill and voted against tabling the amendment of the Cochran motion to strike.

It has been, I guess, close to 2 years ago when we held hearings on the pension benefit guarantee fund before the HHS Subcommittee on Appropriations. At that time Elizabeth Dole, who was Secretary of Labor, testified. I had asked for those hearings because I was greatly concerned about the economic viability of the pension benefit guarantee fund and I was reading some rather alarming press reports about it. In addition to that, the Inspector General, whose name I believe was Raymond Maria had made serious accusations about the pension benefit guarantee fund's not being adequately audited.

One of the things that I asked Mrs. Dole. was how she felt about requiring that these pension funds be, not just actuarially sound, but have a 10 to 20 percent contingency fund in excess of actuarial soundness. Corporate raiders and other leveraged buyout artists were using the excess corporate pension funds to buy the company. For example, if you find \$100 million in a pension fund in excess of the amount necessary to make that fund actuarially sound, and you are seeking a leveraged buyout of the company, or want to try to take it over, you can actually use that \$100 million excess to buy it. And so any time a company pension fund in this country allowed its pension fund to accumulate excess funds, it could very well become the target of a takeover.

I asked Mrs. Dole why we do not pass a law requiring something in excess of actuarial soundness. She wrote back saying she did not think that was proper. I still think it is a good idea.

But the other things that came out in that hearing that caused me to support the Senator from Mississippi [Mr. COCHRAN], on his proposal was that in 1974 when ERISA was passed, 35 percent of the pension funds in this country were actuarially sound. In 1990, when this hearing was held, 80 percent of them were considered to be actuarially sound. But in that period of time, the number of pension funds guaranteed by the PBGC had risen to around 95,000. Originally, we only charged these companies \$1 a year per employee. Today we charge them up to \$72 per employee covered in the pension fund if it is underfunded, and the pension fund still has a deficit of \$1.8 billion.

Mr. President, the way we spend money around here, if you say it real fast, \$1.8 billion does not sound like very much. I consider it to be a lot. I want to say to my colleagues, if the roughly 40 million people of this country who are covered by these guaran-

teed private pension plans knew, just how shaky the pension benefit guarantee fund was, you would be getting a lot of mail.

Now, you can say that most plans are fully funded, but let me just give you an illustration of why we are facing a shaky situation regarding retirement funds in general. A company can say its fund is actuarially sound, but if you look through its portfolio, it may be that Executive Life in California was providing annuities. Do you know where Executive Life is now? Belly up. So there are other dangers to retirement funds. Pension funds currently contain \$1.7 trillion in assets. But what if the stock market took another 500-point drop any day, just as it did in October 1987? Instead of 80 percent of the pension funds in this country being fully funded, you are likely to find 10 to 20 percent of them being fully funded.

Mr. President, I am telling you, we are playing with dynamite when we put another burden on the PBGC. The Senator from Ohio was, indeed, trying to go back and pick up all the employees who had worked for Studebaker and other companies that went under prior to 1974 when we passed ERISA. All those employees who had worked for companies that went under lost their coverage. I would love to cover them, and in a perfect world, I would have voted with the Senator from Ohio. But we are not in a perfect world. On the contrary, we are in a very imperfect economic environment in this country right now.

So as much as I wanted to help those 40,000 workers, I do not think anybody could tell us with any degree of accuracy how many workers would be covered by the amendment of the Senator from Ohio. It might be 40,000. It might be 60,000. No hearing has ever been held in the Senate. I heard figures bandied around here that it might cost 300 million or 500 million. Nobody knows how much it would cost. So at the very least, the Labor Committee ought to call a hearing and try to ferret out the best information they can get on what the numbers are on the Metzenbaum proposal before we are asked to vote on it. I have such immense compassion for people who lost their pensions because a company went belly up, and I would like to help.

Mr. President, there are 40,000 people out there who would like to have this amendment passed, but I submit to you there are 40 million people who are depending on the PBGC to insure their retirement funds. They are going to bed happy as clams at night thinking that this pension benefit guarantee fund is not in the same shape that FSLIC is in, the same shape FDIC is in, it is not broke and in fact \$1.8 billion in debt.

You saw a story in the Washington Post last week that stated the PBGC

has checks coming in from all over the country. But they do not know to whom to credit them. They are uncashed. They are not deposited. It is a terrible mess. I think they are doing their best to get it straightened out.

Finally, Mr. President, I voted against the Metzenbaum proposal because it would have caused a mini sequester. Let us assume his amendment was going to cost \$300 million. Under the budget agreement of last year, we would have to sequester Medicare in order to pay for it. You cannot get it out of the pension benefit guarantee fund; it is broke, in debt almost \$2 billion. So you would have a sequester of all the retirement plans, except Medicare. That is the one that would be exempt.

Mr. President, I go home every weekend. I have done so ever since I have been in the Senate. I stay in touch with my constituents. I talk with them. I can tell you, it is things like this about which they are most upset. So I was very pleased the Senate came to its senses and defeated the Metzenbaum amendment. There may be a time, as I say, when in a little more perfect world we can support that amendment and try to help those 40,000 people. But right now we have to worry about the solvency of the pension benefit guarantee fund and the \$1.8 trillion in assets it guarantees. We must protect the people of this country who are depending on these pension funds in their old age. I am deeply concerned about those millions of people who are relying on those pension funds for their retirement, and so I had to reluctantly vote against that amendment.

Mr. President, I just had to get that off my chest.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield the floor.

Mr. FORD. No; I just want to have a colloquy with the Senator.

The Senator struck a nerve when he mentioned the surplus in the pension fund of the individual company or business. Is the Senator going to pursue that?

The reason I ask that, there is one company I can give you an example of where the surplus in the pension fund saved them from a reduction of employees and that sort of thing, and they were able to extend the time that they worked by 5 years, and with the 5 years of pension they could retire early. They liked it. The employees liked it. The surplus in the pension fund did it. But if they had just been even, they would never have been able to do it. I like the idea of asking them to have some surplus.

Mr. BUMPERS. Mr. President, perhaps we could hold a hearing on it. I am ranking member on the Labor-HHS appropriations subcommittee and I may call Senator HARKIN about that.

The reason I think there ought to be a contingency fund in excess of actuarial soundness is, as I pointed out, if the stock market should go down 500 points again, they are going to wish they had a 20-percent cushion.

Mr. FORD. The Senator is on the right track. I want to compliment him. I am willing to help him in any way. I think he struck a nerve. I think we ought to help him.

Mr. BUMPERS. I thank the Senator for his kind words. Mr. President, I yield the floor.

Mr. COCHRAN addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, we are trying to resolve the last few amendments that remain for consideration. We had indicated a little bit earlier that we had had no request for a roll-call vote on final passage of the bill. We still have had no request from this side of the aisle. I do not know if that means that there will not be a vote, but I am just reporting that to the Senate for its information. We are trying right now to resolve the last few amendments.

Mr. SEYMOUR. Has an amendment that the managers are recommending to the Senate been accepted? There are a couple of other amendments that are being considered right now which are not yet acceptable.

So we appear to be at the point of third reading on the bill. We are near this, for the information of Senators.

Mr. ADAMS. 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. 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. SEYMOUR addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1319

Mr. SEYMOUR. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mr. SEYMOUR] proposes an amendment numbered 1319.

Mr. SEYMOUR. 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:

An amendment to title VI, part D, section 731(b)(2), add (D) capacity to promote financial management services for older individuals at risk of conservatorship;

Mr. SEYMOUR. Mr. President, it is my understanding that we have an

agreement on this amendment on both sides. I appreciate that. I very briefly would like to say why I believe this amendment is important.

Many times when a senior citizen reaches a certain position in age they are forced into a conservatorship. They are forced into a conservatorship that is expensive, and it creates great stress upon a senior citizen.

What my amendment would do very simply is for approximately 500,000 elderly Americans who are currently under a conservatorship, this amendment would offer hope that there is a more simple, less expensive alternative. That is to encourage States to offer financial management services providing those services that would normally accrue under a conservatorship, providing them to senior citizens with no cost to them.

This amendment will avoid the costly or inappropriate conservatorship process for senior citizens. It would do that by expanding financial and counseling services for the elderly.

Mr. President, I rise today to offer an amendment which provides financial management services for older individuals at risk of conservatorship.

Approximately 500,000 elderly Americans are currently under a conservatorship. A conservatorship transfers a senior's legal rights and decisionmaking to another person because a court has determined that the senior citizen is unable to handle his or her own affairs. In fact, individuals in the United States who are placed under these guardianships reserve fewer rights than are retained by convicted felons, such as the right to vote, own property, marry, and consent to medical treatment.

While conservatorships are necessary for individuals who are truly incapable of handling their own affairs, those who simply need financial assistance, should not be held to the restrictions of a conservatorship.

However, many of our senior citizens could maintain their independence if they could simply receive help in managing their personal affairs such as writing checks, paying bills, and budgeting.

Some financial management services are provided for those individuals under conservatorships, however, due to limited local resources, these services are generally not available to individuals who are not in need of guardianships or conservatorships.

While providing much needed financial management services my bill would also avoid costly or inappropriate conservatorship processes.

By expanding financial and counseling services for the elderly, my amendment would provide our seniors greater access to vital services in their own neighborhoods to helping them maintain their independence and dignity.

Mr. President, I urge adoption of the amendment.

Mr. COCHRAN. Mr. President, let me compliment the distinguished Senator from California for offering this amendment. It will promote financial management services being made available for older individuals who are at risk of conservatorship. I recommend—and it has been cleared on this side—adoption of this amendment.

Mr. ADAMS. I too want to compliment the Senator from California. This is a very important amendment at this point because seniors are faced with more and more complicated financial transactions. I compliment the Senator for having offered it, and I recommend the Senators on this side vote for it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from California.

The amendment (No. 1319) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. ADAMS. Mr. President, I ask unanimous consent that the amendment as adopted by Senator BINGAMAN be modified, by unanimous consent by agreement on both sides, as presented to the desk.

The PRESIDING OFFICER. Is there objection to the modification of the amendment?

If not, it is so ordered.

The amendment (No. 1316) as modified, is as follows:

Strike section 601 of the amendment and insert the following:

SEC. 601. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

The Act (42 U.S.C. 3001 et seq.) is amended by adding at the end the following new title:

"TITLE VII—GRANTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

"PART A—GENERAL PROVISIONS

"Subpart 1—General State Provisions

"SEC. 701. ESTABLISHMENT.

"The Commissioner, acting through the Administration, shall establish and carry out a program for making allotments to States to pay for the Federal share of carrying out the elder rights activities described in parts B through E.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

"(a) OMBUDSMAN PROGRAM.—There are authorized to be appropriated to carry out part B, in accordance with this subpart, \$20,000,000 for fiscal year 1992, \$21,000,000 for fiscal year 1993, \$22,050,000 for fiscal year 1994, and \$23,150,000 for fiscal year 1995.

"(b) PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.—There are authorized to be appropriated to carry out part C, in accordance with this subpart, \$10,000,000 for fiscal year 1992, \$10,500,000 for fiscal year 1993, \$11,020,000 for fiscal year 1994, and \$11,570,000 for fiscal year 1995.

"(c) STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.—There are

authorized to be appropriated to carry out part D, in accordance with this subpart, \$10,000,000 for fiscal year 1992, \$10,500,000 for fiscal year 1993, \$11,020,000 for fiscal year 1994, and \$11,570,000 for fiscal year 1995.

"(d) OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.—There are authorized to be appropriated to carry out part E, in accordance with this subpart, \$15,000,000 for fiscal year 1992, \$15,750,000 for fiscal year 1993, \$16,540,000 for fiscal year 1994, and \$17,360,000 for fiscal year 1995.

"SEC. 703. ALLOTMENT.

"(a) IN GENERAL.—

"(1) POPULATION.—In carrying out the program described in section 701, the Commissioner shall initially allot to each State, from the funds appropriated under section 702 for each fiscal year, an amount that bears the same ratio to the funds as the population age 60 and older in the State bears to the population age 60 and older in all States.

"(2) MINIMUM ALLOTMENTS.—

"(A) IN GENERAL.—After making the initial allotments described in paragraph (1), the Commissioner shall adjust the allotments in accordance with subparagraphs (B) and (C).

"(B) GENERAL MINIMUM ALLOTMENTS.—

"(1) MINIMUM ALLOTMENT FOR STATES.—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made.

"(ii) MINIMUM ALLOTMENT FOR TERRITORIES.—Guam, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 702 for the fiscal year for which the determination is made.

"(C) MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.—

"(i) OMBUDSMAN PROGRAM.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(a), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under title III.

"(ii) ELDER ABUSE PROGRAMS.—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(b), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out programs with respect to the prevention of abuse, neglect, and exploitation of older individuals under title III.

"(D) DEFINITION.—For the purposes of this paragraph, the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(b) REALLOTMENT.—

"(1) IN GENERAL.—If the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Commissioner shall make the amount available to a State that the Commissioner determines will be able to use the amount for carrying out the purpose.

"(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subpart, be regarded as part of the allotment of the State (as determined under subsection (a))

for the year, but shall remain available until the end of the succeeding fiscal year.

“(c) WITHHOLDING.—If the Commissioner finds that any State has failed to qualify under the State plan requirements of section 705, the Commissioner shall withhold the allotment of funds to a State. The Commissioner shall disburse the funds withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of the State submitting an approved plan under section 705, which includes an agreement that any such payment shall be matched, in the proportion determined under subsections (d) for the State, by funds or in-kind resources from non-Federal sources.

“(d) FEDERAL SHARE.—

“(1) IN GENERAL.—The Federal share of the costs of carrying out the elder rights activities described in parts B through E is 85 percent.

“(2) NON-FEDERAL SHARE.—The non-Federal share of the costs shall be in cash or in kind. In determining the amount of the non-Federal share, the Commissioner may attribute fair market value to services and facilities contributed from non-Federal sources.

“SEC. 704. ORGANIZATION.

“In order for a State to be eligible to receive allotments under this subpart—

“(1) the State shall demonstrate eligibility under section 305;

“(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 305; and

“(3) any area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 305.

“SEC. 705. STATE PLAN.

“(a) ELIGIBILITY.—In order to be eligible to receive allotments under this subpart, a State shall submit a State plan to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require. At a minimum, the State plan shall contain—

“(1) an assurance that the State, in carrying out any part of this title for which the State receives funding under this subpart, will establish programs in accordance with the requirements of this title;

“(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, and other interested parties regarding programs carried out under this title;

“(3) an assurance that the State has submitted, or will submit, a State plan in accordance with section 307;

“(4) an assurance that the State, in consultation with area agencies on aging, will identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

“(5) an assurance that the State will use funds made available under this subpart for a part in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this title, to carry out the elder rights activities described in the part;

“(6) an assurance that the State agrees to pay, with non-Federal funds, 15 percent of the cost of the carrying out each part of this title; and

“(7) an assurance that the State will place no restrictions, other than the requirements specified in section 712(a)(5)(C), on the eligi-

bility of agencies or organizations for designation as local Ombudsman entities under section 712(a)(5).

“(b) APPROVAL.—The Commissioner shall approve any State plan that the Commissioner finds fulfills the requirements of subsection (a).

“(c) NOTICE AND OPPORTUNITY FOR HEARING.—The Commissioner shall not make a final determination disapproving any State plan, or any modification of the plan, or make a final determination that a State is ineligible under section 704, without first affording the State reasonable notice and opportunity for a hearing.

“(d) NONELIGIBILITY OR NONCOMPLIANCE.—

“(1) FINDING.—The Commissioner shall take the action described in paragraph (2) if the Commissioner, after reasonable notice and opportunity for a hearing to the State agency, finds that—

“(A) the State is not eligible under section 704;

“(B) the State plan has been so changed that the plan no longer complies substantially with the provisions of subsection (a); or

“(C) in the administration of the plan there is a failure to comply substantially with a provision of subsection (a).

“(2) WITHHOLDING AND LIMITATION.—If the Commissioner makes the finding described in paragraph (1) with respect to a State agency, the Commissioner shall notify the State agency, and shall—

“(A) withhold further payments to the State from the allotments of the State under section 703; or

“(B) in the discretion of the Commissioner, limit further payments to the State to projects under or portions of the State plan not affected by the ineligibility or non-compliance, until the Commissioner is satisfied that the State will no longer be ineligible or fail to comply.

“(3) DISBURSEMENT.—The Commissioner shall, in accordance with regulations prescribed by the Commissioner, disburse funds withheld or limited under paragraph (2) directly to any public or nonprofit private organization or agency or political subdivision of the State that submits an approved plan in accordance with the provisions of this section. Any such payment shall be matched in the proportions specified in section 703(d).

“(e) APPEAL.—

“(1) FILING.—

“(A) IN GENERAL.—A State that is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with the court not later than 30 days after the final action. A copy of the petition shall be transmitted by the clerk of the court to the Commissioner, or any officer designated by the Commissioner for the purpose.

“(B) RECORD.—On receipt of the petition, the Commissioner shall file in the court the record of the proceedings on which the action of the Commissioner is based, as provided in section 2112 of title 28, United States Code.

“(2) PROCEDURE.—

“(A) REMEDY.—On the filing of a petition under paragraph (1), the court described in paragraph (1) shall have jurisdiction to affirm the action of the Commissioner or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Commissioner may modify or set aside the order of the Commissioner.

“(B) SCOPE OF REVIEW.—The findings of the Commissioner as to the facts, if supported by

substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence. If the court remands the case, the Commissioner shall, within 30 days, file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

“(C) FINALITY.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

“(3) STAY.—The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the action of the Commissioner.

“(f) PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.

“Subpart 2—General Native American Organization Provisions

“SEC. 706. NATIVE AMERICAN PROGRAM.

“(a) ESTABLISHMENT.—The Commissioner, acting through the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

“(1) assisting eligible entities in prioritizing, on a continuing basis, the elder rights needs of the service population of the entities; and

“(2) making grants to eligible entities to carry out the elder rights activities described in parts B through E that the entities have determined to be priorities.

“(b) APPLICATION.—In order to be eligible to receive assistance under this subpart, an entity shall submit an application to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require.

“(c) ELIGIBLE ENTITY.—An entity eligible to receive assistance under this section shall be—

“(1) an Indian tribe; or

“(2) a public agency, or a nonprofit organization, serving older Native Americans.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$5,000,000 for fiscal year 1992, \$5,250,000 for fiscal year 1993, \$5,510,000 for fiscal year 1994, and \$5,785,000 for fiscal year 1995.

“(e) DEFINITION.—As used in parts B through E, with respect to an activity carried out with assistance made available under this section, the term ‘State’ or ‘State agency’ includes an eligible entity described in subsection (c).

“Subpart 3—Administrative Provisions

“SEC. 707. ADMINISTRATION.

“(a) AGREEMENTS.—In carrying out the elder rights activities described in parts B through E, a State agency, or an eligible entity described in section 706(c), may, either directly or through a contract or agreement, enter into agreements with public or private nonprofit agencies or organizations, such as—

“(1) other State agencies;

“(2) area agencies on aging;

“(3) county governments;

“(4) universities and colleges;

“(5) Indian tribes; and

“(6) other statewide or local nonprofit service providers or volunteer organizations.

"(b) TECHNICAL ASSISTANCE.—

"(1) OTHER AGENCIES.—In carrying out the provisions of this title, the Commissioner may request the technical assistance and cooperation of such agencies and departments of the Federal Government as may be appropriate.

"(2) COMMISSIONER.—The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to programs established under this title and to individuals designated under the programs to be representatives of the programs.

"SEC. 706. AUDITS.

"(a) ACCESS.—The Commissioner and the Comptroller General of the United States and any of the duly authorized representatives of the Commissioner or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"(b) LIMITATION.—State agencies, area agencies on aging, and eligible entities described in section 706(c) shall not request information or data from providers that is not pertinent to services furnished in accordance with this title or a payment made for the services."

Mr. COCHRAN. Mr. President, I know of no further amendments on this side of the aisle. I think all amendments that we have been advised of have been considered by the Senate and either adopted or voted down.

Mr. ADAMS. Mr. President, I know of no further amendments to be offered on this side.

Mr. KENNEDY. Mr. President, the Older Americans Act celebrated its 25th anniversary last year. Over the years, the act has provided millions of senior citizens with critically needed services such as the Meals on Wheels Program for the homebound elderly and the senior employment program for modest income senior citizens who need the security of a job. In addition, the network created under this act has been an advocate for senior citizens with programs such as the nursing home ombudsmen who provide a voice to individuals least able to speak for themselves.

In addition, the Older Americans Act has supported thousands of senior centers across the country. One of Massachusetts' largest senior centers, the Peabody Community Life Center, is opening next Sunday, it will offer comprehensive services, including an innovative adult day care center.

Senator ADAMS has done a remarkable job in crafting this bill. I commend him for his leadership in consolidating and improving the most important services under the act which protect the rights, and the independence of older persons.

Over the past decade, the aging of our population has brought new urgency to the programs of the Older Americans Act especially the need to address the serious problems of long-term care. The pending reauthorization bill maintains the Long-Term Care Resource Centers, which include the

Brandeis Center in Massachusetts. It also authorizes a new demonstration project to improve the delivery of long-term care services, an initiative that Senator PRYOR and I have developed with the assistance of the Senate Special Committee on Aging.

I also commend Senator COCHRAN, the distinguished ranking minority member of the Aging Subcommittee, for his effective work on this important reauthorization bill. This measure contains many important and effective provisions that reaffirm our commitment to older Americans, and I urge the Senate to approve it.

Mr. BINGAMAN. Mr. President, I rise today in strong support of S. 243, the Older Americans Act Amendments of 1991, and I commend Senator ADAMS, the distinguished chairman of the Senate Labor and Human Resources Subcommittee on Aging, and his staff for their excellent work on this important legislation. The bill before us today reauthorizes a wide variety of programs important to millions of Americans, and strengthens the underlying structure of the Older Americans Act in a number of significant ways. It is a bill worthy of the support of every Member of the Senate.

For example, S. 243 creates a new coordinating title that will consolidate and strengthen several key services supported by the Administration on Aging and aimed at protecting the rights of older persons. The new "Elder Rights" title will strengthen the long-term care ombudsman programs at the Federal, State, and local levels; expand outreach services to include counseling and assistance to seniors on health and other insurance matters; and strengthen State and local efforts to provide legal assistance to the elderly.

As originally drafted, however, the new title VII did not address the unique needs—or status—of Native American elders, nor did it involve Indian tribal governments, which have their own set of laws governing activities on their lands and enjoy a sovereign relationship with the Federal Government, in implementing or improving elder rights programs. I am pleased that both floor managers have agreed to accept my amendment to ensure inclusion of Indian tribes—and the Native American elders they serve—within the newly expanded elder rights programs. Specifically, S. 243 directs the Associate Commissioner on Indian Aging to establish and carry out a program that will:

First, assist Indian tribes, public agencies, and nonprofit organizations serving older Native Americans in prioritizing, on a continuing basis, the unique elder rights needs of their service population; and

Second, make grants to Indian tribes, public agencies, and nonprofit organizations serving older Native Americans to help them carry out elder rights ac-

tivities that the entity has determined to be a priority.

S. 243 also authorizes \$5 million for fiscal year 1992 to carry out this program, with a slight increase in authorization over the following 3 years.

Mr. President, this is just one of the many important provisions of this act. The act contains many other titles and sections vital to my State's Hispanic and American Indian elders. I am pleased that S. 243 addresses many of the concerns raised by the National Indian Council on Aging, which is now headed by David Baldrige and based in Albuquerque, NM.

There is no question that the needs of these two groups—Hispanic and American Indian elders—are particularly great. For example, we know that older American Indians remain among our country's most impoverished and needy citizens. They have a life expectancy between 3 and 4 years less than the general population, they lack sufficient and accessible health care, they live in poverty at a rate estimated as high as 61 percent, they suffer from high unemployment, and they often live in substandard and overcrowded housing. The rural environment of most reservations adds to the already difficult way of life for many older Indians.

Mr. President, we must work to improve these statistics. We can rededicate ourselves to that work—and to the goal of improving the quality of life for all older Americans—through this legislation. Although we are not making great changes in the act's provisions, we are making some significant modifications:

INDIAN AGING RESEARCH

A new section will create up to four new research centers specifically focusing on Indian elderly issues. Universities and other research-oriented entities will be able to apply for 3-year grants aimed at addressing the unique health, long-term care, and social service needs of American Indian elders. The centers will gather information, conduct research and disseminate information on results of research, provide technical assistance and training to entities that provide services to older Native Americans.

For years, Indian elderly issues and research have been largely ignored by the Federal Government and national researchers. For example, in the University of Oklahoma's data base on elder issues, only 96 of 11,000 entries address Indian elderly issues.

This is a shameful statistic. We must work to improve it, and I am pleased that we will be laying the foundation for that work through this legislation. Through the research and training that will be conducted at these research centers, Indian tribes and organizations serving Indian elders finally will be able to access the data they need and develop the skills necessary to

compete successfully for life-enriching grants and other vital funding opportunities.

RURAL ELDERLY

Several new provisions will help the Administration on Aging focus greater attention to the needs of elderly people living in rural areas. For example, the bill establishes a demonstration program to help States improve transportation for the elderly; requires States to document the additional costs of providing services to rural elderly; and directs the Commissioner on Aging to establish a plan to improve targeting of low-income, minority, and rural elders.

ALZHEIMER'S AWARENESS AND RESEARCH

S. 243 adds Alzheimer's awareness programs to the type of programs that can receive funding through the bill's disease prevention/health promotion section; adds outreach to isolated elderly and elders with Alzheimer's disease and related disorders and their uncompensated care-givers; and authorizes a demonstration program for States and area aging agencies to plan for and provide services for older persons with developmental disabilities.

FEDERAL AGENCY COORDINATION

Throughout this legislation, provisions are included to ensure greater interagency coordination and consolidation of services, programs, and policies. For example, the bill directs the Commissioner to collaborate with other Federal agencies, including the Department of Labor, on the impact of programs for the elderly and specifically establishes an interagency task force that will serve as the primary means for coordinating aging policies and programs. The bill takes this coordination one step further in a new State agency consultation section which directs the Commissioner to consult and collaborate with the State agencies on aging in the development of Federal goals, regulations, programs instructions, policies, and procedures.

HEALTH PROMOTION AND DISEASE PREVENTION

I am particularly pleased that S. 243 expands the Preventive Health Services Program to provide disease prevention and health promotion services and information through senior centers, congregate mealsites, home-delivered meals programs and other appropriate sites. In addition, the bill now includes music and dance therapy—provisions of a bill authored by Senator REID—in its list of authorized health promotion activities.

Mr. President, these are just some of the many important programs created, improved, or expanded under this act. I could list dozens more, from nutrition and transportation to home health care and advocacy. All are equally important. But I would be remiss if I did not draw the attention of my colleagues to a common thread woven through every program authorized under this legislation: funding.

Every single program authorized under this bill is underfunded. Some programs have never been funded. Mr. President, I know that we are living in tight budgetary times, but we simply cannot keep turning our backs on our parents and grandparents. We must rededicate ourselves to helping them.

I urge every one of my colleagues to work with me over the next year to increase appropriations for these vital programs. Unless we do that, this exercise of reauthorization really is insignificant.

Mr. DODD. Mr. President, the Older Americans Act embodies our Nation's commitment and sense of service to a population that is growing at a rapid pace. The rights of our elders need to be protected and secured. This act strengthens existing programs and creates new ones to meet the changing needs of our aging population.

Currently, people over age 65 comprise 12 percent of the U.S. population. By the year 2020, 20 percent of all Americans will be over 65 years old. As a result, we are seeing demographic, economic and social changes among this age group. Since its inception in 1965, the Older Americans Act has kept up with these changes. Programs like the National Nutrition Program, the Senior Community Service Employment Program, and the Aging Network continue to provide a number of invaluable services to the elderly.

As the number of people over 60 continues to grow, the importance of quality long-term care becomes critical. In my home State of Connecticut over 20,000 elderly reside in long-term care facilities. These residents should be assured that their rights are protected and their quality of care monitored. I am pleased to see that the reauthorization addresses this issue.

In the past, a long-term care facility was the only alternative for frail or immobile senior citizens. The Older Americans Act reauthorization provides in-home services for the elderly. The congregate and home-delivered meals and in-home respite care services allow people, who in the past would have been institutionalized, to remain in the comfort of home.

Provisions to improve disease prevention and health promotion also have been included. S. 243 to alleviate the discomfort of growing older and increase the quality of life for older Americans. Home delivered service programs enable many seniors to receive nutrition screening and health care counseling that prevent future health problems and reduce health care costs.

Another problem that deserves attention is the increasing incidence of elder abuse. This age group is especially vulnerable to abuse, exploitation, abandonment and neglect. There were over 5,500 reports of elderly abuse investigated last year in Connecticut. The Long-term Care Ombudsman Program

and Elder Abuse Prevention Programs are two of the programs in the reauthorization dedicated to maintain the rights and safety of the elderly and prevent future abuse.

The purpose of the Older Americans Act is to improve the lives of all older persons living in America. This year, two areas are given special attention: the low-income minority elderly and the rural elderly. Outreach programs and transportation services are targeted to provide these two groups with access to other needed services.

As chairman of the Subcommittee on Children, Family, Drugs and Alcoholism, I am pleased that the OAA encourages interaction between the young and the old. Elderly people are an invaluable resource to young children. The OAA establishes a school-based intergovernmental program for seniors and children. This program fosters mutually beneficial relationships between children and the elderly. Children, especially high at-risk youth, benefit from the love and experience the elderly have to offer. In return, the seniors are fulfilled and satisfied with the work they accomplish.

I commend Senator ADAMS for his fine work and dedication to the improvement and enhancement of the lives of older Americans. As an original cosponsor of the Older Americans Reauthorization Act, I look forward to the enactment of its outstanding services.

Mr. DECONCINI. Mr. President, I want to commend Senator ADAMS for the masterful job he has done in improving and expanding what is already a landmark piece of legislation—the watershed Older Americans Act, and I am pleased to be a cosponsor. I particularly want to compliment him in creating a new title VII in order to strengthen and protect the rights of older Americans and assist them in making independent decisions and leading independent lives. Specifically, this section seeks to protect the rights of residents in long-term care facilities; to meet the legal assistance needs of the elderly; and to ensure full access to resources and benefits to which older individuals are entitled under the law.

At a time when the number of elder abuse cases in America is soaring, title VII would also establish a coordinated national approach to protecting older individuals from abuse, neglect, and exploitation. These provisions, in large part, are based on legislation which I introduced earlier this year in the Senate and which Representative MARY ROSE OAKAR introduced in the House of Representatives. I am most pleased that Senator ADAMS has included them in this comprehensive bill.

As best we know today, an estimated 1.5 million older Americans are abused every year. This is a dramatic increase from a decade ago—a 50-percent rise in the last 10 years.

What this means is that one out of every 20 older Americans is abused every year, most by sons and daughters and many at the hands of nursing home caregivers or con artists. The abuse can range from theft of a Social Security check to violent physical abuse, including rape and murder. The situation is, as Claude Pepper has stated, "a national disgrace."

In California, a 76-year-old woman was held prisoner in her own home by her alcoholic husband. When she fell and broke her hip, her husband refused to provide any medical care at all. For an entire year, whenever she needed to use the bathroom, she was forced to drag her body from her bed across the floor. A year after she broke her hip she was found near death by State investigative authorities. She had rat bites to her leg, and those bites had become infected. She had a high fever and was covered with cockroaches. Her leg had to be amputated.

This is only one case, and the sad fact is that most of these cases of elder abuse go unreported. Ten years ago one out of every five cases of elder abuse was reported; today only one of every eight cases is, even though many States have mandatory reporting laws. Mr. President, we had a better track record a decade ago. And there is more. At a time when elder abuse cases are skyrocketing, Congress and the States are spending less money on adult protective services. Since 1980, for example, the social services block grant—the principal tool we have for protective services—has been cut by one-third.

Mr. President, there is an urgent need for a coordinated national effort to confront the disgrace of elder abuse. Among its provisions, this legislation would create a National Center on Elder Abuse under the auspices of the Administration on Aging within the Department of Health and Human Services. The center would compile, publish and disseminate a summary of recent research on elder abuse; develop an information clearinghouse on all programs showing promise of success in addressing the problem; and conduct demonstration projects regarding the causes, prevention, identification, and treatment of elder abuse, neglect, and exploitation. In addition, it would authorize grants to the States to build on existing elder abuse programs or to develop new programs for the prevention and treatment of elder abuse, neglect, and exploitation.

Mr. President, the Senate today is considering landmark legislation for millions of Americans throughout this country. This is a bill which invests in human dignity and self-fulfillment. I encourage my colleagues to join me in supporting reauthorization of the watershed Older Americans Act of 1965.

REAUTHORIZATION OF THE NATIVE AMERICAN PROGRAM ACT AS TITLE X OF S. 243

Mr. INOUE. Mr. President, I thank the chairman of the Committee on Labor and Human Resources, Mr. KENNEDY, and the chairman of the Subcommittee on Aging, Mr. ADAMS, and members of their committees for agreeing to accept this bill to reauthorize the Native American Programs Act as an amendment to S. 243.

For 16 years the Native American Programs Act has been providing Indian tribal governments and native American organizations with the opportunity to pursue social and economic self-sufficiency for their tribes. The act is implemented through the Administration for Native Americans in the Department of Health and Social Services through provision of financial and technical assistance to tribal governments and native American organizations.

The budget for the Administration for Native Americans makes up but a tiny fraction of 1 percent of the budget of the Department, but the results of the expenditures are substantial. The matching grants have been used to establish small businesses, to develop environmental codes for reservations, to carry out community planning, to assist tribes to develop petitions for Federal acknowledgment, and for other purposes.

The goal of the act—promoting economic and social self-sufficiency—is purposely broad: It allows tribal governments to define for themselves what actions need to be taken for the economic growth of their communities. Tribal governments have used these funds to foster economic development initiatives and to establish incentives to attract business and industry to reservation lands. In pursuit of a strategy for social development, for instance, a tribal government may seek to establish a coordinating mechanism for social services; or it might propose less conventional but appropriate actions that foster social growth such as, for instance, employment of the media for education and understanding. Local definition of need is fundamental to success in the implementation of the Native American Programs Act.

The amendment now a part of S. 243 would, among other things, reauthorize the Native American Programs Act through 1996, establish an Intra-Departmental Council on Native American Affairs, enable the Administration for Native Americans to expand its program of technical assistance, and reauthorize the Native Hawaiian Revolving Loan Fund. This amendment, as an amendment in the nature of a substitute to S. 1717, was unanimously approved by the Select Committee on Indian Affairs on September 19.

Again, I thank my colleagues.

Mr. PRYOR. Mr. President, for the past 25 years the OAA has improved the

lives of our Nation's elderly. The act has authorized a great number of diverse and important social services ranging from neighborhood senior centers and meals on wheels programs to long-term care ombudsman and legal assistance services. As chairman of the Special Committee on Aging, I am deeply committed to preserving and enhancing its ability to assist older Americans in maintaining their independence and dignity.

I want to take this opportunity to thank my esteemed colleague, Senator ADAMS, the chairman of the Committee on Labor and Human Resources Subcommittee on Aging, as well as the ranking minority member, Senator COCHRAN, for their fine work on this vital legislation. I would also like to thank the distinguished chairman of the Labor and Human Resources Committee, Senator KENNEDY, and ranking minority member, Senator HATCH, for all their efforts to ensure a successful reauthorization.

I am particularly pleased to see that the reauthorization legislation before us today incorporates long-term care provisions based upon proposals which I made as part of legislation which I introduced, S. 974, the Heinz Elder Life Program Act [HELP]. Specifically, the Labor and Human Resources Committee amendments authorize: First, grants to States for improving their delivery of long-term care services; and second, several long-term care resource centers including one devoted exclusively to long-term care issues affecting the rural elderly. In my view, this rural center will better enable our Nation to fully examine barriers to access to services faced by the most isolated of our Nation's elderly population.

I am also pleased to see that the legislation before us today incorporates provisions which recognize and highlight the importance of case management by including it as an optional service under the act. Senator MIKULSKI and I worked on separate pieces of legislation aimed at strengthening the role of the Aging Network in providing case management services. I know she shares my conviction that assessing the service needs of seniors and linking them to those services is one of the most vital functions of the OAA. Senator MIKULSKI is well known in the Senate for her undying commitment to vulnerable populations of Americans of all ages, and I am pleased that our individual efforts to achieve the mutual goal of providing important case management services has been achieved in the reauthorization bill before us today.

As the floor managers know, the HELP bill also sought to establish a separate subtitle for senior transportation. In addition, I have introduced legislation changing the act's current interstate funding formula so as to reflect each State's percentage of elderly

population below poverty. Indeed, I was prepared today to offer amendments to the OAA that would have implemented these proposals. However, I have worked closely with my distinguished colleagues of the Labor and Human Resources Committee, Senator KENNEDY, Senator ADAMS and Senator COCHRAN to address concerns that have been voiced about these proposals. Our efforts have produced provisions incorporated in the chairman's amendments of transportation and drew attention to the tremendous burden placed on States which have great numbers of low-income elderly.

These provisions: First, authorize grants to States for developing comprehensive and coordinated senior transportation systems; second, authorize grants to area agencies on aging for leveraging additional resources to deliver transportation services and coordinating the various funding sources available for such services; and third, direct the Commissioner on Aging to conduct a study of how Federal dollars might be targeted to low-income, rural, and minority elderly persons in an effort to examine how to better meet the needs of States with a disproportionate number of elderly individuals in greatest social and economic need.

I urge my colleagues to join me in assuring that each of these provisions remain in the final reauthorization package. Not only are they a high priority for myself and my State, but for representatives of the Aging Network and aging advocates alike.

Mr. ADAMS. I want to commend the chairman of the Special Committee on Aging for his exemplary work in preparation for this year's reauthorization of the Older Americans Act. The findings of the committee's workshop series, as well as your contributions to the debate were especially useful to the subcommittee as we engaged in this year's reauthorization deliberations.

I recognize the critical need for enhancing OAA long-term care services and improving transportation services. I want to thank the distinguished Senator from Arkansas for raising these important concerns.

I strongly support the long-term care provisions contained in section 406 of S. 243, in particular the establishment of a rural long-term care resource center, as well as the transportation demonstration projects. These provisions are the culmination of a great deal of work and compromise, and I believe they strengthen the reauthorization bill before us. Let me assure my full commitment to ensuring that each of these provisions are incorporated in the final reauthorization legislation that passes the Congress and is signed into law by President Bush.

Mr. COCHRAN. I, too, wish to thank the distinguished Senator from Arkan-

sas for his many contributions to this reauthorization, and to offer my support for this amendment package. I am especially pleased to offer my support for a study to examine ways of addressing the inequity involved in the current allocation of Federal funds to the States. The Older Americans Act already mandates that services be targeted to low-income elderly individuals. Current budget constraints underscore the need to target Federal dollars in a similar manner.

Mr. KENNEDY. I also wish to offer my support for the distinguished chairman's contributions and to express my appreciation for the excellent work the Special Committee on Aging has provided for this year's reauthorization debate. I am very pleased to offer my full support for the provisions pertaining to long-term care. In fact, I pledge my full commitment to ensuring that these provisions are included in the OAA legislation that is enacted into law. It is imperative that we begin to plan for the inevitable future long-term care needs of our Nation's elderly population, particularly the most needy of this population.

Mr. BINGAMAN. Mr. President, I rise once again to comment on the legislation before us, S. 243, the Older Americans Act Amendments of 1991. I want to begin by commending Senator ADAMS for his fine leadership as chairman of the Senate Labor and Human Resources Subcommittee on Aging, and I want to express my gratitude to him for his outstanding efforts in crafting this important reauthorizing act.

Mr. President, I also feel compelled to express my concern and disappointment regarding one provision of S. 243, which I believe to be particularly inequitable. I would have fought harder to reverse this provision, but I have been encouraged not to do so, and I will—for today—bow to the wisdom of my colleagues. Nevertheless, I am compelled to speak out on this important matter.

The provision I am concerned about impacts title V of the Older Americans Act, which funds many important programs that provide our Nation's elderly with meaningful employment and other vital services. Indeed, this title is one of the most important sections of the bill to thousands, perhaps millions, of older Americans. Therefore, like many of my colleagues, I was distressed to learn in January that in his version of the fiscal year 1992 budget, the President had proposed a \$47.5 million cut in title V funding. In my home State of New Mexico, such a drastic reduction in spending would have had a significant, detrimental impact on a number of programs and forced some to discontinue their services altogether.

To express my concern, I contacted members of the Senate Appropriations Committee and urged their immediate attention to this irrational proposal.

While I am pleased that the committee heeded the advice of myself and others and rejected the President's illogical recommendation, I am troubled that, once again, the overall title V funding does not equitably recognize the needs of low-income, minority elders and does not remedy the huge disparity in funding levels for national title V contractors who operate title V Senior Community Service Employment Programs.

For years, the five largest sponsors of title V senior employment programs have received at least 88 percent of the total funding allocated. These programs are worthy ones and include: Green Thumb, the National Council of Senior Citizens, the American Association of Retired Persons, the National Council on Aging, and the United States Forest Service. I am aware that these entities are responsible for delivering services to millions of elderly people nationwide, and thus, I believe that they are worthy of receiving an adequate level of funding.

Nevertheless, given existing funding formulas, once money has been earmarked for these five organizations, little is left to support the other, and in my view, equally important, national title V contractors—predominately those who serve low-income, minority elders. For example, in 1992, Green Thumb will receive \$93.8 million, while the National Indian Council on Aging will receive less than \$3 million. I understand, Mr. President, that American Indians comprise only a small portion of our Nation's aging population. However, according to 1980 census, the Indian elderly population increased by 72 percent between 1970 and 1980—more than twice the rates of white or black populations—and since 1980, has increased by another 52 percent. And as their population grows, so do their problems and needs.

According to a 1987 congressional study, 61 percent of our Nation's Indian elderly live in poverty. More than 80 percent are unemployed, and on some reservations, unemployment rates reach 95 percent among elders in need. Recently, the National Indian Council on Aging released figures which indicate that 95 percent of this population is affected, directly or indirectly, by a family member's use of alcohol and that they are 10 times more likely to develop diabetes than their non-Indian counterparts. At the very least, these distressing figures evidence the fact that our Nation's American Indian elderly population is being woefully undeserved and neglected.

Likewise, Mr. President, the Federal Government is not doing its part to reach elderly Hispanics, blacks, and Pacific-Asians. According to the Commonwealth Fund Commission on Elderly People Living Alone, Hispanics represent the fastest growing segment of the population aged 65 and over. Con-

versely, according to the American Association of Retired People, the percentage of Hispanic elderly with incomes below the poverty level is twice as large as among elderly whites. This means that nearly one in four lives below the Federal poverty line. Among blacks elders, 35 percent live below the poverty level; and of the elder blacks living in rural areas, two in four live in poverty, contrasted with about one in four white rural elderly. Finally, the median income for elderly Asian/Pacific Islander men, 65 years or over, is less than that of white men in the same age group: \$5,551 versus \$7,408.

These statistics represent elderly populations whose living conditions and socioeconomic status most certainly warrant the attention of the Federal Government. Even a minor shift funding from the largest title V contractors to the smaller organizations would have a profound impact the ability of some contractors, like the National Indian Council on Aging and Association Nacional Pro Personas Mayores, to reach their members.

I realize that we must comply with strict spending limits and that available resources must be wisely and frugally distributed. But I do not understand, particularly given these tragic statistics, why we are continuing to support a funding formula that prevents certain title V contractors from reaching the most deprived segments of our elderly population. Simply put, the current funding distribution is a travesty.

To address this matter, I had planned to offer an amendment that would require a minimum funding floor, of \$4 to \$5 million dollars, to help ensure that all the national title V contractors would receive an amount of funding in future fiscal years that is at least arguably respectable. Yet, as I stated earlier, I was told repeatedly that my proposal would be soundly rejected. Therefore, rather than offer my amendment at this time, I will pursue separate legislation to remedy this policy and establish parity within the title V program, and I have agreed to cosponsor a provision of the modified version of S. 243 that ensures a slight increase in funding—a floor of 1.3 percent of all national contractor funding—for all title V contractors if the overall annual appropriation in future years exceeds by 5 percent the fiscal year 1991 appropriation. It is shamefully little, but at least it is a start.

Mr. President, the time has come for the administration and the Congress to acknowledge the hardships confronting the most neglected segments of our elderly population and to provide them with the resources they need to help improve their economic and social conditions—a just allocation of title V funding would be a dramatic step in the right direction.

• Mr. HARKIN. Mr. President, I rise in strong support of S. 243, the Older

Americans Act Amendments of 1991. This is critical legislation and I want to especially commend Senator ADAMS, the chairman of the Subcommittee on Aging, for the excellent job he and his staff have done in putting together this bill. It was a great challenge to bring this legislation forward, and Senator ADAMS provided the leadership and skill necessary to get the job done.

The Older Americans Act provides critical services to Americans age 60 and over. From supportive services such as adult day care and home care, to hot, nutritious meals at congregate meal sites or through Meals on Wheels, to community service jobs for older Americans, this program has bettered the lives of millions of older citizens across the Nation. For many, Older Americans Act programs not only enhance the quality of life but really mean the difference between making it and not. These programs must, therefore, not only be preserved, but expanded and strengthened. This bill does that.

The bill's increased emphasis on protecting the rights of vulnerable elderly, particularly those who are the victims of abuse, neglect, or exploitation, is a much needed improvement to the Older Americans Act. Some 1.5 million older Americans are the victims of some form of elder abuse each year, and the problem is growing. Much more must be done to prevent this abuse and to assist those who suffer from it. When we reauthorized this program in 1987, the late great champion of our Nation's elderly, Congressman Claude Pepper, properly insisted that the Older Americans Act tackle what he termed as the "national disgrace" of elder abuse. Thanks to the work of Senator ADAMS, which I was pleased to have had a part in, the provisions in S. 243 further Claude Pepper's good efforts to assist the States and localities in this effort in a number of critical ways.

Mr. President, I am very pleased that the substitute we will adopt today contains the provisions of S. 510, the Older Americans Health Promotion and Disease Prevention Act of 1991. This bill, which I authored, is cosponsored by Chairman ADAMS and Senators SIMON, BURDICK, LIEBERMAN, INOUE, HATFIELD, and GRAHAM, provides for an expansion of health promotion and disease prevention programs offered to older Americans at congregate meal sites, senior centers and through Meals on Wheels programs.

It is too often assumed that older Americans don't stand to benefit from health promotion or wellness programs. There is a commonly accepted stereotype that older people are set in their ways and unwilling to take steps to adopt healthier lifestyles or seek preventive services. These worn out presumptions are simply not true. Studies have shown that not only are older people generally as willing as

others to change lifestyle habits such as diet and smoking, they are also just as likely as younger people to benefit from health promotion activities. In fact, a recent study found that older smokers who quit benefitted far more than younger quitters.

While Medicare has been expanded in the past several years to provide coverage for some preventive services—mammography screening, pap smears and pneumonia vaccines—many preventive services remain uncovered. Furthermore, Medicare covers no health promotion services which have been directly linked to reduced health care costs, for example, smoking cessation, nutrition counseling and weight reduction, alcohol control, and injury prevention.

There is a great need to increase older Americans' access to and participation in prevention and health promotion activities. Senior centers and congregate meal programs funded through the Older Americans Act are providing these services, but on a very limited and inconsistent basis. They, along with the meals-on-wheels programs are ideally suited for the provision of these types of programs because so many older people are reached by them each day. Thousands of seniors who come each day for a hot lunch or other activities or who are visited by meals-on-wheels could be screened for high blood pressure, participate in an exercise program or a smoking cessation or medication management class without having to make a trip to a health clinic or doctors office.

The Older Americans Health Promotion and Disease Prevention Act is designed to help meet this need by expanding part F of the Older Americans Act to include a full range of health promotion and disease prevention services, specifically authorize provision of these services at congregate meals sites and through meals-on-wheels programs, and increase authorization for the program from \$5 million to \$25 million in fiscal year 1992 and such sums as necessary in the next 3 fiscal years. The provisions included in S. 243 are intended to assure that each area agency on aging is able to develop and maintain a regular program of health promotion and disease prevention activities and services. Authorized funds are intended to supplement, and not replace, existing Federal, State, or local support for such programs. In my State of Iowa, for example, these funds will allow for an expansion of its well elderly clinics which has proven so successful, but has not had sufficient support to reach all those in need on a regular basis.

I am also pleased that another very important provision has been included in this legislation at my request. The bill clarifies that adults with severe disabilities who reside in group homes in the community are eligible to par-

ticipate in the adult day care meals program authorized by the 1987 Older Americans Act amendments. The USDA has incorrectly interpreted those provisions to exclude community-based group living arrangements from the program because they classify these residences as institutions. This amendment will assure that a small number of adults with severe disabilities who participate in adult day care programs will receive nutritious meals supported by the the School Lunch Program. To these Americans it will mean a great deal.

Mr. President, I am privileged to serve as chairman of the Appropriations Subcommittee that funds the Older Americans Act programs. As you know, we just last week sent the President legislation providing funds for this program in fiscal year 1992. It was a very difficult year in that the total amount of funds allotted for all health, education and human services programs was \$1 billion less than what was needed simply to maintain current services. Given this lack of funds it was not possible to fund many critical programs at adequate levels. Despite this, we were able to provide an increase of \$41 million to Older Americans Act programs. This was \$89 million more than recommended by President Bush, who called for a \$47 million cut in the community service employment program. I hope that the President will concur that this funding increase in needed to meet the needs of older Americans and sign the appropriations bill promptly.

In closing, Mr. President, I again want to thank and commend all those who worked to bring this important legislation forward. I hope we move swiftly and unanimously to approve S. 243 without delay.●

Mr. GRAHAM. Mr. President, I commend the distinguished floor manager for his fine work on the 1991 Older Americans Act reauthorization.

For the past 25 years, the Older Americans Act had provided an important mandate for a system of community based nutrition and social services for the elderly.

In Florida, nearly 300,000 persons annually receive services through this program at a total cost of \$65 million, of which half comes from Federal funds. The fact that local and State governments and personal contributions willingly fund the other half of Florida's program speaks to its vital nature. I want to add my name as a cosponsor to the committee passed version of S. 243.

Mr. President, I am pleased the committee amendment includes retirement planning language from a bill I introduced earlier this year.

First, the new Elder Rights title incorporates Social Security and pension plans as programs eligible for outreach and counseling. Seniors will be able to use information on available benefits to help plan financially for retirement.

Second, title III will expand the current Older American Act definition of retirement planning to include lifestyle changes, relocation issues, legal matters, leisure time, and other appropriate concerns.

These provisions are important as the public often fails to consider the financial, health, and social implications of retirement years.

The majority of Americans do not plan comprehensively for their retirement; potential outcomes of typical decisions made at or before retirement, such as relocating, utilizing Medicare and supplemental insurance, living solely on Social Security and/or a pension, and experiencing extended periods of leisure time effect individuals for the remainder of their retirement.

Research shows that Americans become aware of these issues as a reactive mechanism, often when it is too late to change major lifestyle decisions. Many folks expend more time and effort planning a 2-week vacation than planning the 20-plus years they could spend in retirement.

As the U.S. population ages more rapidly, persons will spend increasing years in retirement. According to the National Center for Health Statistics, average life expectancy for Americans in 1950 at 65 years was 13.9 years, while average life expectancy in 1989 at 65 years was 17.2 years.

As most retirees rely on Federal programs, such as Medicare and Social Security for health insurance and retirement income respectively, lack of health and retirement planning has substantial long-term costs for the Federal Government.

Lack of retirement planning also impacts quality of life.

Persons who anticipate retirement-related changes can plan socially and financially, relocating to areas with access social, community, and health services.

Retirees who do not evaluate retirement-related decisions could experience social dislocation and unanticipated financial and health needs, causing despair and dependence on Government health and social services' programs.

Mr. President, retirement planning endeavors can enhance the freedom and independence of retirees, offer retirees options and opportunities not previously anticipated, and prepare retirees more adequately for retirement changes. Through public education efforts, outreach, and direct counseling, Americans can prepare for fulfilling, vibrant, and active retirement years.

Mr. INOUE. Mr. President, I would like to commend the committee on bringing to the floor legislation that represents an important step toward meeting the needs of older Americans. In my own State, which is on the forefront of the Nation in terms of demographics, those needs have already

reached critical proportions, particularly in the complicated and costly area of long-term care.

Mr. ADAMS. Mr. President, I thank my colleague from Hawaii for his support. Since its original enactment over 20 years ago, the Older Americans Act has provided critical services to elderly Americans; I believe this year's reauthorization goes the furthest toward meeting the as yet unmet needs—especially for accessible and affordable long-term care—of this growing population.

Mr. INOUE. I understand that the committee has placed special emphasis on the development of innovative approaches to long-term care, and has directed the Administration on Aging to award grants to State and local agencies on aging and others to support special projects to improve the delivery of long-term care services. I am pleased to see that the committee's report calls attention to the pioneering efforts of the State of Hawaii to develop a comprehensive long-term care financing program.

Mr. ADAMS. The committee has long been impressed with the State of Hawaii's vision in establishing one of the first State-operated contribution-based universal health care systems in the Nation, and is equally impressed with the efforts of its executive office on aging to develop a State-based comprehensive financing program for long-term care. As a reflection of its confidence in Hawaii's ability to develop a system for long-term care financing that may serve as a model to States across the Nation grappling with this difficult issue, the committee has recommended that the Commissioner give serious consideration to awarding the State one of the grants established under the act's special projects in comprehensive long-term care section, to assist it in this important demonstration.

Mr. INOUE. Mr. President, the Hawaii State Legislature has established an advisory board to evaluate long-term care financing options and recommend that the State implement one of those options in 1992. In the interim, the State's executive office on aging is moving forward to complete the design of the legal, actuarial, and administrative framework for whatever financing option is finally chosen. I am pleased that the committee has recognized that appropriateness of providing funding for such a forward-looking proposal under this grant program.

Ms. MIKULSKI. Mr. President, I strongly support the Older Americans Act reauthorization bill that Senator ADAMS and Senator KENNEDY are bringing to the floor today. Our seniors deserve the best bill possible. We have worked to improve the programs authorized under the Older Americans Act to meet the needs of seniors in their own communities.

The Older Americans Act was first enacted in 1965. It is the primary Federal support for social services for seniors to give the boost they need to stay active in their community.

In Maryland these services include a variety of important programs. It means there is a long-term care ombudsman program, which investigates complaints about care provided in long-term care facilities. It means that there is assisted housing for frail elderly who need assistance with daily living, but don't need nursing home care. It means hot meals at over 300 sites throughout the State and in-home meals for those who cannot get to the sites.

This act also provides a range of home and community-based services, such as transportation, health promotion, chore services, and respite services that seniors can find in their community.

As I travel around the State of Maryland, I hear from seniors who need very basic things. Hot meals, companionship, transportation, and other services. I also know there are problems just finding what services exist and how seniors can use them.

That is why I have worked to include a provision in the Older Americans Act to help seniors find the services that are best for them through case management.

Case management is more comprehensive than an information and referral service. It pulls together services from the community—from formal medical services to informal housekeepers and grocery shoppers—that are available to make sure that the mix of services are the right ones for each senior, not some cookie cutter plan of care, the plan of care that leaves people frustrated and their needs unmet.

I have insisted that the case management provided should fit the needs of seniors, not the needs of any bureaucracy. Each senior, and their family if the senior wishes, has the final say on the plan of care developed by the case manager. Our point is to define and meet the needs of every senior served, not to create more bureaucracy.

I also have insisted that the people helping seniors, like case managers, legal services representatives, and referral people tell us not only what services people are getting, but what services they are not getting and desperately need. This feedback will let us know what seniors really need, not just what researchers or lobbyists say they need.

We worry that people are not getting services. We have documented the services they are getting. But we never ask the people in the community what they are missing.

This reporting program should help us define our priorities in our next reauthorization so that they reflect seniors needs, not the needs of researchers or lobbyists.

Again, I want to thank Senator ADAMS and Senator KENNEDY and their staffs for their work on this very important bill. I know that Senator PRYOR, chair of the Special Committee on Aging, and others have contributed to the success of this bill. I urge my colleagues to vote for it.

Mr. PRESSLER. Mr. President, I am pleased to join my colleagues Senator ADAMS and COCHRAN in cosponsoring the amendments that reauthorize the Older Americans Act. This is crucial for maintaining a quality standard of living for many older Americans.

There are nearly 120,000 senior citizens in my home State of South Dakota. The programs offered under the Older Americans Act have a direct impact on these individuals. The Meals on Wheels, Green Thumb, transportation and other programs have proven their merit.

The needs of senior citizens continue to change. I am pleased that the reauthorization package offered today addresses some of these changes. This package requires the Commissioner on Aging to study ways to improve services in rural areas. It adds additional outreach services to those afflicted with Alzheimer's disease and their caretakers and would provide counseling on Social Security and pension plans.

Senior citizens today face challenges and hardships they never before have had to address. These challenges certainly include health care and insurance costs. However, one often overlooked challenge is the fact that many senior citizens are forced to be on their own, without the day-to-day support of children or other family members who may all be living around the country. This makes it very difficult for seniors and their family members to make decisions about long-term care, or how to obtain help while remaining in their own homes or participate in some nutrition programs.

I have long been interested in improving access to information and services for older Americans. Our elderly population is rapidly increasing. Thus, it is essential to improve not only the number and quality of services for older Americans, but also access to these important services.

The Labor Committee accepted an amendment I authored which would establish a national toll-free informational service. Important new developments in communications technology, such as fiber optic technology have had a very positive impact on society. It is especially important to get this technology out to rural areas, where people, and particularly older individuals, have limited access to many important services.

The creation of a network of toll-free information service numbers under the Older Americans Act would greatly improve access to Older Americans Act

programs. States should have the greatest possible amount of flexibility in distributing funding for information services. Joyce Berry, the U.S. Commissioner on Aging, recently initiated a project called Eldercare Locator. Eldercare Locator is a toll-free information hotline for senior citizens that provides callers with information on housing, transportation, elder abuse, legal questions, home-delivered meals, social activities, day care, and home health care services. This service can be utilized by either senior citizens or family members who are trying to obtain help and guidance.

Eldercare Locator is a 3-year demonstration project, which will be completed in 1993. This toll-free number has been used by both older individuals themselves and by family members who wish to arrange housing or other services for an elderly relative in another city or State.

As indicated by the Administration on Aging National Eldercare campaign, the Commissioner supports efforts to improve access in the area of information and referral services for older Americans. I also have letters in support of my amendment from the Alzheimer's Association and the National Association of Area Agencies on Aging, which is working with Commissioner Berry on the current demonstration project. I would like these letters to be printed in the RECORD following my remarks.

This amendment would ensure the continuation of a national toll-free number for information and referral services for older Americans.

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

ALZHEIMER'S DISEASE AND RELATED
DISORDERS ASSOCIATION, INC.,
Washington, DC, October 8, 1991.

HON. LARRY PRESSLER,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR PRESSLER: On behalf of the Alzheimer's Association I would like to express our support for your proposed amendment to the Older Americans Act to establish a nationwide telephone access service to link older persons, families and caregivers to services funded through the Act.

Currently, the Alzheimer's Association operates such a telephone service that links victims of Alzheimer's and their families to our extensive chapter network and to services in the communities in 49 states. This service has proven to be enormously beneficial to those affected by this devastating disease. There is every reason to believe, therefore, that such a system that links people to the broader range of aging services will also be successful.

The Alzheimer's Association stands ready to assist the Administration on Aging and the aging network in implementing this system. In particular, we offer our chapter network, through our nationwide telephone service, as a resource to which callers can be referred for the full range of information and

assistance on Alzheimer's disease and related disorders.

Sincerely,

STEPHEN MCCONNELL,
Senior Vice President, Public Policy.

NATIONAL ASSOCIATION OF
AREA AGENCIES ON AGING,
October 7, 1991.

Hon. LARRY PRESSLER,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR PRESSLER: On behalf of the National Association of Area Agencies on Aging, I am writing to support your proposed amendment to Substitute Bill S. 243 to establish a new demonstration program under Title IV of the Older Americans Act. Specifically, the proposed amendment will address Information and Referral Systems Development Projects.

NAAAA is supporting this proposed amendment as Information and Referral services are often the key for older persons and their caregivers to access Older Americans Act and other community services. Information and Referral services are often the first contact between the older individual and the public and voluntary services and resources that help maintain them in their home and community.

NAAAA believes Information and Referral services are so crucial that it has started, with AoA support, a national toll-free telephone number such that, when fully implemented, any individual will be able to access services anywhere in the U.S. This will allow families to help their elderly members arrange services long distance or an older individual locate needed services locally. Your proposed amendment will help sustain this important telephone link beyond the initial grant period, as well as provide crucial technical assistance and training to state and area agencies on aging and service providers.

Senator PRESSLER, NAAAA strongly supports your proposed amendments to S. 243 and your effort on behalf of this nation's elders.

Sincerely,

SUE WARD,
President.

Mr. GRASSLEY. Mr. President, I want to thank Senators ADAMS and COCHRAN for supporting, and including in the bill, an amendment on the brokerage of Alzheimer's disease services on the part of area agencies on aging.

This amendment, which I introduced as S. 1488 earlier this year, is an outgrowth of work on Alzheimer's disease which I began in the 98th Congress as chairman of the Subcommittee on Aging of the Committee on Labor and Human Resources. In the 98th Congress, that subcommittee had one of the first hearings on Alzheimer's disease held by the Congress. In the following Congress, I sponsored two workshops on Alzheimer's disease which brought together national experts to discuss the financing of care for the disease's victims, and services for those victims and their families. Those workshops culminated in title IX, of Public Law 99-660, a title which established the national coordinating council on the disease, plus a services research program at relevant national institutes.

In the course of this work, it became apparent that one of the problems in-

variably encountered by families of those with the disease was finding appropriate services. Part of the difficulty, of course, is that in many communities appropriate services do not exist. However, a big part of the problem is that, when such services do exist they are hard to find and are hard to match up with the particular needs of the person with the disease.

In order to get a clearer picture of this problem, I asked the Office of Technology Assessment, which had been very helpful in organizing the workshops and consulting on the title IX legislation, to undertake a study of the problems families have in finding services.

The OTA published their final report for this project in August 1990.

On the basis of this analysis, I introduced in the Senate, and Representative OLYMPIA SNOWE introduced in the House of Representatives, a bill to require area agencies on aging to build into their information and referral services, which all triple-A's are required to furnish under this act, a focus on helping families find appropriate services for their family members with the disease. The legislation does not supplant current I and R services; rather, it simply asks the triple-A's to include in their I and R services a focus on the disease and on hooking up families with providers of service for those with it.

I am happy to see this bill included in this package of floor amendments, and once again thank Senators ADAMS and COCHRAN for their help with it.

Mr. President, I must also take a moment to comment on two other provisions which are being included in the legislation today. One is a provision adding counseling on osteoporosis and Alzheimer's disease introduced originally by Senator GLENN with my support. Osteoporosis is another debilitating disease of old age on which I have invested considerable time in my years in the Senate in the hopes that we could increase public attention on it and in hopes that the Federal research effort devoted to it could be made more substantial. I am pleased to see this provision added to the bill.

Finally, Mr. President, as many of my colleagues know, I have been working with several other Senators on a provision dealing with the additional costs which many of us believe are entailed by area agencies on aging and services providers in rural communities. The final version of that provision is not completely what I would have liked, but it does focus on the rural/urban cost differential by requiring State plans to identify actual and projected costs of providing services and access to services to older individuals in rural areas. It also asks the General Accounting Office to study the cost of providing services to older individuals in rural areas.

I want to thank Senators ADAMS, COCHRAN, and KENNEDY for the efforts of their staff in the negotiations on this issue.

Mr. HEFLIN. Mr. President I rise to voice my strong support in favor of S. 243, legislation to reauthorize the Older Americans Act.

The legislation we are voting on today authorizes an appropriation for continuation of the Older Americans Act which is our Nation's major program for the delivery of support and nutrition services for older Americans.

This bill authorizes a range of supportive, nutrition and social services programs which include in-home and congregate meal services, in-home services for frail individuals and disease prevention and health promotion services.

Today, we have an opportunity to expand and improve upon programs to protect elderly citizens from abuse, neglect, and exploitation. S. 243 contains a provision designated to improve programs to prevent and remedy elderly abuse and strengthen the long-term care ombudsman program, which responds to the needs of elderly citizens who have been placed in institutions. Under this provision, States would be authorized to establish programs to assist senior citizens with insurance programs and to provide more effective outreach to assist senior citizens in obtaining SSI, Medicaid, and other benefits which they are entitled to but are not receiving.

Mr. President, I strongly support the amendment to the bill offered by Senator MCCAIN, of which I am a cosponsor, which would repeal the Social Security earnings limit.

This amendment gives older Americans the freedom to work. Under the current law, individuals who retire at age 65 and reenter the work force have their Social Security earnings reduced by \$1 for every \$3 earned over the \$9,720 limit. The earnings cap should be repealed because it is an antiquated provision of the Social Security Act and it actually penalizes the senior citizens of this Nation for being productive. Once a person reaches his 70th birthday, there is no benefit reduction for earnings. The average worker retires at age 65. Why should we penalize these individuals between the ages of 65 and 70 if they choose to take a part-time job, start a business, or for that matter return to the work force altogether. Certainly they can be productive individuals.

Repealing this provision is especially important to low-income senior citizens who are required in some instances to take second jobs to make ends meet. The last thing they need is to have their Social Security income reduced because they are making \$5 an hour at an odd job. Older Americans deserve independence, dignity, and the opportunity to continue working past the age of 65 without penalty.

Mr. President, I ask the entire Congress to join me in supporting legislation to reauthorize the Older Americans Act. America's mature citizens play an important and special role in the lives of individuals throughout our country. Many of them have helped shape our careers. These dedicated men and women have worked hard all of their lives and many of them served our country nobly during World War II.

This is our opportunity to shine the spotlight squarely on our elderly Americans, illuminating their many selfless deeds and outstanding devotion and ensure the continued viability of the programs authorized under the Older Americans Act.

Mr. President, I have visited many of the senior citizens centers across Alabama and have seen this quotation by Robert Browning on the walls of these homes "Grow old along with me! The best is yet to be."

Mr. President, by voting to reauthorize the Older Americans Act we can help ensure that the best is yet to be.

Mr. CHAFEE. Mr. President, when President Johnson signed the Older Americans Act [OAA] into law in 1965, he characterized it as, " * * * providing a start on an orderly, intelligent, and constructive program to help us meet the new dimensions of responsibility which lie ahead in the remaining years of this century." The responsibility to which President Johnson referred was the need to ensure that the pressing social needs of our Nation's growing elderly population were met.

Over the last 25 years, this modest initiative has grown to include a wide array of programs that serve millions of older citizens. Senior centers, home-delivered meals, employment opportunities, and advocacy activities are just some of the services provided under the OAA. Through a number of reauthorizations, the OAA also has proven durable, yet flexible enough to respond to the changing needs of the elderly.

The bill before us today enhances the achievements of the programs under the act and includes new provisions to strengthen services for our elderly population. Among other items, S. 243 would create new authorizations for senior meal sites in public schools, for assistance to family members who are providing long-term care services to frail older individuals, and for counseling and assistance programs with respect to public benefits and private insurance matters.

I also am pleased that the committee accepted an amendment I authored to encourage and facilitate visiting programs involving young people and senior citizens in nursing homes and other senior living facilities.

Mr. President, our society today seems to be segregated by age through either geographic or emotional distances. Many elderly citizens living by themselves or in long-term care facili-

ties have little contact with the outside world. Either they have no relatives, or their relatives visit rarely, if at all. Added to this is the negative perception toward the elderly held by the public.

This attitude, however, appears to be changing as a result of increased efforts to get children and elderly people involved in intergenerational activity programs—programs that bring young and old together to share skills, energy, and experiences. The Building Bridges Program administered by the Alliance for Better Nursing Home Care in Providence, RI, is just one example of how intergenerational programs make a positive difference.

About 6 years ago, Roberta Hawkins, executive director of the alliance, brought two of her grandchildren to visit a friend in a long-term care facility. Although the residents were always happy to greet her, when they saw the children, their faces lit up. Building Bridges began shortly thereafter, with 40 children regularly visiting the residents of two nursing homes. Today, the program has touched the lives of over 1,500 children and nursing home residents across Rhode Island.

From the beginning, the program sought to reduce the isolation of nursing home residents by establishing and supporting relationships between residents and school-aged children and their families, and to sensitize children to the special needs of the frail elderly and handicapped. Before any meetings take place, Building Bridges staff hold orientation sessions for the children and teachers involved in the program. These sessions include movies, discussions, and exercises that help the children understand what it's like to be old. During the visits the children and residents read together, solve puzzles, and work on arts and crafts projects. The children aren't there to be entertainers, they are there to develop friendships with the residents.

Studies have shown that children involved in intergenerational programs gain a better understanding of the aging process and develop more positive attitudes toward the elderly. Such programs also provide an opportunity to still the spirit of voluntarism early in life and to introduce young people to careers in health care. The elderly gain much needed contact with the community resulting in improved psychological well-being and reduced depression levels.

Although costs for programs like Building Bridges are minimal, they do exist. In addition to transportation and materials costs, project staff prepare curriculum, newsletters, and manuals for teachers and nursing home staffs. The amendment accepted by the committee draws attention to the efforts of groups like the Alliance for Better Nursing Home Care by encouraging State agencies on aging to provide

funding under the OAA for intergenerational activity programs. Mr. President, the amendment is the true spirit of the OAA, and I am pleased that the committee has accepted it.

Mr. GLENN. Mr. President, I am pleased to join Senator ADAMS, Senator KENNEDY, and many of our colleagues as a cosponsor of S. 243, which reauthorizes the Older Americans Act for 4 more years.

The Older Americans Act was established in 1965 as the first Federal program specifically designed to meet the social service needs of older persons. It has been amended 12 times and has grown from an original program of small grants into one which now supports an organized network of 57 State units on aging and 670 area agencies on aging. As the number of valuable services under the act has multiplied, so has its funding—from \$7.5 million in 1966 to \$1.3 billion in fiscal year 1991.

The purpose of the Older Americans Act is to improve the lives of all older Americans. By having in-home and community-based services available to those 60 and over, many older adults are able to remain self-sufficient and independent. Unnecessary institutional care is avoided.

The best-known Older Americans Act Programs are senior centers, where older persons gather for social and recreational activities, and the nutrition programs—meals delivered to home-bound elderly. In addition to providing for basic social and nutritional needs, the Older Americans Act also supports a number of other programs including in-home care, adult day care, transportation, information and referral, legal services, long-term care ombudsman, and employment.

The 1991 Older Americans Act reauthorization enhances many existing programs, and it contains several new provisions to benefit older Americans, their families, and their communities. I am very pleased that provisions contained in three bills I introduced earlier this year have been incorporated in S. 243. These provisions emphasize issues of particular concern to me—assistance for family caregivers, health promotion and disease prevention, and guardianship—and includes the following:

Supportive services to strengthen family caregivers, such as training, access to support groups, respite care, and information and referral for other services.

Services to prevent older individuals from falling in their homes, which often leads to fractures for people with osteoporosis;

Nutrition counseling for people with osteoporosis and cardiovascular disease;

Medication management screening and education to prevent incorrect medication and adverse drug reactions;

Protection, through the Long-term Care Ombudsman Program, of the welfare and rights of nursing home residents regarding the appointment and activities of guardians and representative payees; and

Services to provide information and training for individuals who are, or may become guardians and representative payees.

Mr. President, there has always been broad, bipartisan congressional support for the Older Americans Act Programs. By passing S. 243 we will reaffirm our support for the act and its primary goal of providing services to maintain the dignity and promote the independence of older Americans.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. ADAMS. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of H.R. 2967, the House companion, and that the Senate then proceed to its immediate consideration; that all after the enacting clause be stricken; that the text of S. 243, as amended, be inserted in lieu thereof, that the bill be advanced to third reading, and passed.

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

Mr. ADAMS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. ADAMS. Mr. President, I ask unanimous consent that the Senate insist upon its amendments, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

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

COMMENDATION OF COLLEAGUES AND STAFF

Mr. ADAMS. Mr. President, the bill having been passed through this effort, I want to thank my friend from Mississippi for both his good humor and intelligence, and for his assistance today. I mean that sincerely. It was a great pleasure to work with him.

Mr. COCHRAN. Mr. President, may I be permitted to respond. I want to thank the Senator from Washington for his leadership in guiding this bill to this point, bringing it to the Senate today.

We have had hearings here in Washington, and around the country. I think we have a good product, a good bill. The Senate has passed it.

I thank the Senator from Washington for his cooperation with me, and all Republican Senators in getting our suggestions considered, and some of them included in the bill in final form.

I also want to thank, Mr. President, my staff member, James Lofton, who is staff director of the Aging Subcommittee and the others who worked closely with us in the development of the bill on this side.

But I genuinely appreciate the courtesies and kind comments of my friend from Washington.

Mr. ADAMS. Mr. President, I want to thank Bill Benson, our staff director, and Carole Grunberg, my staff director, for working with us, and to all the Senators and their staffs.

This is a bill that is very important. It is very complicated, and we could not have moved it in the way it did today without the cooperation of a great many people. We appreciate that. We thank the President for his courtesy.

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

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

MORNING BUSINESS

Mr. ADAMS. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

MEASURING THE COSTS AND BENEFITS OF ACID RAIN REGULATIONS—WITHER NAPAP?

Mr. MOYNIHAN. Mr. President, on October 30 we passed a milestone, an early one, on our way to cleaner air. Mr. Reilly, the able Administrator of the U.S. Environmental Protection Agency, announced rules proposed to reduce the amount of sulfur dioxide coming from power plants, eventually, by 10 million tons per year.

In the Clean Air Act Amendments of 1990, we agreed to try an experiment. We established a system of pollution allowances that can be treated among utilities. In theory, this means that the utilities that can reduce sulfur dioxide emissions most cheaply will do so. They will then be allowed to sell an excess allowances to the utilities for which reducing pollution is most expensive.

This system of pollution allowances is designed to limit sulfur dioxide emissions from all utilities—new ones, old ones, future ones—to 9 million tons per year. It is expected to do so for a lower overall cost than prescribing the same pollution-reducing technology for every utility. Economists tell that the savings may eventually be \$1 billion per year. But what will it actually cost?

Mr. Reilly said that by the year 2000, even with the savings to be gained from the allowance system, the required reductions in sulfur dioxide emissions will cost \$3.8 billion per year. He said that the average family may see their electric rates rise by between 1 and 1½ percent. But families are seldom average.

The costs will not be distributed evenly across the country. Families in Hawaii will pay less. So too, will consumers in the Pacific Northwest, the Colorado River Basin, and New England, who get their electricity from hydroelectric generation. Arithmetic dictates that others must therefore pay more. According to the Edison Electric Institute, rates for consumers could increase by over 20 percent in several industrial States. Mr. Reilly said these estimates are too high. How are we to know?

However much it costs, how much will we benefit? Data from the National Acid Precipitation Assessment Program—NAPAP is the acronym—allow us to estimate that under the proposed regulations, sulfur dioxide emissions between 1990 and 2030 will be reduced from 890 to 650 million tons. After 2030, sulfur dioxide emissions would have been reduced to about 9 million tons per year, even without new controls on sulfur dioxide. How will this one-quarter reduction in sulfur dioxide emissions over 40 years affect the environment?

Mr. Reilly said that the proposed regulations will help restore fish to hundreds of lakes and streams, thousands of acres of forests will begin to recover, historic buildings will age more slowly, and we will be able to see more stars at night. These are surely good things. But how many lakes and streams will actually have their fish restored? How many acres of forests will fully recover? How much money will we save in repairing aging structures? How many more stars?

When we passed the Clean Air Act Amendments of 1990, the bill contained a provision to extend the National Acid Precipitation Assessment Program. This program attempted to tell us how many lakes and streams had become acidic because of acid rain so far, and how many are expected to recover. It established a baseline of data against which the results of our efforts were predicted, and against which progress can now be measured. It was a multi-agency program, representing the

skills of the best scientists in academia, and government scientists with a wide range of experience managing energy, natural resources, environmental quality. NAPAP was to measure our success.

Unfortunately, all do not share enthusiasm for measuring results. Earlier this year, I told this body that administration support for NAPAP was inadequate. I offered an amendment to EPA's appropriation bill to identify \$2.9 million, from an EPA account of more than \$1 billion to make sure that we could know the actual costs and benefits of tens of billions of dollars that will be spent by consumers in the coming years to pay for acid rain controls. The amendment was accepted, but dropped during conference.

The result? NAPAP currently has no permanent director, one government scientist loaned from the Department of Agriculture, and a very pleasant secretary to answer the telephone.

But there is hope. Mr. Reilly has assured me that he shares my convictions about measuring results, and that he will find the required \$2.9 million within EPA's fiscal 1992 appropriation to fund the Office of the NAPAP Director. And many of the distinguished members of the NAPAP Oversight Review Board have agreed to stay on to help maintain high standards. We will soon begin where we left off.

Why is this so important? Mr. President, we will reduce sulfur dioxide emissions by 240 million tons over the next four decades. We had better know how much it really costs. And we had better know what we have to show for it.

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.)

NOTICE OF CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM-94

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond November 14, 1991, to the *Federal Register* for publication. Similar notices have been sent annually to the Congress and the *Federal Register* since November 12, 1980, most recently on November 9, 1990.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. The international tribunal established to adjudicate claims of U.S. nationals against Iran and of Iranian nationals against the United States continues to function, and normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that may be needed in the process of implementing the January 1981 agreements with Iran and in the eventual normalization of relations with that country.

GEORGE BUSH.

THE WHITE HOUSE, November 12, 1991.

MESSAGES FROM THE HOUSE RECEIVED DURING RECESS

Under the authority of the order of the Senate of January 3, 1991, the Secretary of the Senate, on November 8, 1991, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the bill (S. 1745) to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes; without amendment.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 2707. An act 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.

Under the authority of the order of the Senate of January 3, 1991, the enrolled bill was signed on November 8, 1991, during the recess of the Senate, by the Acting President pro tempore [Mr. SIMON].

MESSAGES FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1537. An act to revise, codify, and enact without substantive change certain general and permanent law, related to transportation, as subtitles II, III, and V-X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code.

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 1988) to authorize appropriations to the National Aeronautics and Space Administration for research and development, space flight, control, and data communications, construction of facilities, research and program management, and Inspector General, and for other purposes; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 374. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 3350. An act to extend the United States Commission on Civil Rights.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1537. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to transportation, as subtitles II, III, and V-X of title 49, United States Code, "Transportation", and to make other technical improvements in the Code; to the Committee on the Judiciary.

The following bill, received from the House of Representatives for concurrence on October 29, 1991, was read the first and second times by unanimous consent, and referred as indicated:

H.R. 3401. An act to amend the Public Health Service Act to establish a program for the prevention of disabilities, and for other purposes; to the Committee on Labor and Human Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1945. A bill to provide a program of emergency unemployment compensation, and or other purposes.

ENROLLED JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on November 8, 1991, he had presented to the President of the United States the following enrolled joint resolutions:

S.J. Res. 36. Joint resolution to designate the months of November 1991, and November 1992, as "National Alzheimer's Disease Month";

S.J. Res. 145. Joint resolution designating the week beginning November 10, 1991, as "National Women Veterans Recognition Week"; and

S.J. Res. 188. Joint resolution designating November 1991 as "National Red Ribbon Month."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 1150. A bill to reauthorize the Higher Education Act of 1965, and for other purposes (Rept. No. 102-204).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 807. A bill to permit Mount Olivet Cemetery Association of Salt Lake City, Utah, to lease a certain tract of land for a period of not more than 70 years (Rept. No. 102-205).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1182. A bill to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, and for other purposes (Rept. No. 102-206).

S. 1184. A bill to direct the Secretary of the Interior to conduct a study to determine the nature and extent of the salt loss occurring at Bonneville Salt Flats, Utah, and how best to preserve the resources threatened by such salt loss (Rept. No. 102-207).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1183. A bill to reduce the restrictions on the lands conveyed by deed to the city of Kaysville, Utah, and for other purposes (Rept. No. 102-208).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

S. 1707. A bill to authorize the establishment of the Fort Totten National Historic Site (Rept. No. 102-209).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, with amendments:

S. 1743. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 102-210).

By Mr. JOHNSTON, from the Committee on Energy and Natural Resources, without amendment:

H.R. 3169. A bill to lengthen from five to seven years the expiration period applicable to legislative authority relating to construction of commemorative works on Federal land in the District of Columbia and its environs (Rept. No. 102-211).

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. D'AMATO:

S. 1946. A bill to provide for the expedited approval of drugs or biologics for individuals in need of treatment for life threatening disease or seriously debilitating illness; to the Committee on Labor and Human Resources.

By Mr. GRAHAM:

S. 1947. A bill for the relief of Craig A. Klein; to the Committee on the Judiciary.

By Mr. DASCHLE:

S. 1948. A bill to amend the Internal Revenue Code of 1986 to provide special rules for certain gratuitous transfers of employer securities for the benefit of employees; to the Committee on Finance.

By Mr. FOWLER:

S. 1949. A bill to designate certain National Forest System lands in the State of Georgia as wilderness, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DANFORTH (for himself, Mr. BAUCUS, Mr. PACKWOOD, Mr. MOYNIHAN, Mr. CHAFEE, Mr. PRYOR, Mr. DURENBERGER, Mr. DASCHLE, Mr. HATCH, Mr. RIEGLE, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BREAUX, Mr. BOREN and Mr. SPECTER):

S. 1950. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year certain expiring tax provisions; to the Committee on Finance.

By Mr. DASCHLE:

S. 1951. A bill to direct the Secretary of Health and Human Services to establish a demonstration project under which medicare beneficiaries may enter into agreements with suppliers of certain items of durable medical equipment to obtain items other than the standard version of the items for which payment may be made under part B of title XVIII of the Social Security Act; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. LOTT):

S. 1952. A bill to amend the Internal Revenue Code of 1986 by repealing the provisions relating to limitations on passive activity losses and credits; to the Committee on Finance.

By Mr. LEAHY:

S. 1953. A bill to change requirements for the food stamp employment program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN:

S. 1954. A bill to encourage and strengthen a National Health Promotion Program by providing technical and financial support to Governor's Advisory Councils on Health Promotion, established to promote public-private health promotion partnerships, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GLENN:

S. 1955. A bill to extend the existing suspension of duty on certain diamond tool and drill blanks, and for other purposes; to the Committee on Finance.

By Mr. BYRD (for himself, Mr. KERRY, Mr. AKAKA, Mr. INOUE, Mr. LAUTENBERG, Mr. REID, Mr. ADAMS, Mr. DODD, Mr. CRANSTON, Mr. SANFORD, Mr. RIEGLE, Mr. BRADLEY, Mr. SIMON, Mr. WOFFORD, Mr. PELL, Mr. ROCKEFELLER, Mr. HOLLINGS, Mr. BURDICK, Mr. LIEBERMAN, Mr. STEVENS, Mr.

CHAFEE, Mr. JEFFORDS, Mr. SYMMS, Mr. WARNER, Mr. MURKOWSKI, Mr. BROWN, Mr. COCHRAN, Mr. SEYMOUR, Mr. BURNS, Mr. GRASSLEY, Mr. THURMOND, and Mr. D'AMATO):

S.J. Res. 229. A joint resolution designating the month of May, 1992, as "National Trauma Awareness Month"; 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:

By Mr. MACK (for himself and Mr. MCCAIN):

S. Res. 218. A resolution urging the Food and Drug Administration to review and revise the approval process for experimental drugs; to the Committee on Labor and Human Resources.

By Mr. LIEBERMAN (for himself, Mr. PRESSLER, and Mr. SIMON):

S. Con. Res. 76. A concurrent resolution congratulating President Levon Ter-Petrosian for becoming the first democratically elected President of the Republic of Armenia, and for other purposes; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO:

S. 1946. A bill to provide for the expedited approval of drugs or biologics for individuals in need of treatment for a life-threatening disease or seriously debilitating illness; to the Committee on Labor and Human Resources.

ACCESS TO LIFE-SAVING THERAPIES ACT

● Mr. D'AMATO. Mr. President, I rise today to introduce the Access to Life-Saving Therapies Act, legislation that will allow individuals who have been diagnosed as having a life-threatening or seriously debilitating illness to gain access to drugs and biologics once they have passed FDA's toxicity tests. This legislation, introduced in the House of Representatives by Representative TOM CAMPBELL, is a humane and long overdue response to those whose lives depend on swift approval of new life-saving pharmaceuticals, and who can't afford to wait the 2 to 12 years it typically takes the FDA to approve most new drugs.

The need for this legislation is brought home vividly by the dramatic announcement last Thursday by basketball legend Magic Johnson that he has contracted the HIV virus, which causes AIDS. It is clear from Magic's positive, candid, and immediate public response to the news of his HIV status that he intends to fight, to live with, and to conquer, his disease. But if he, and the estimated 1 to 1.5 million Americans currently infected with HIV are to prevail in their struggle, they must have immediate access to promising new AIDS therapies.

This bill will grant these individuals greater access to such therapies by cut-

ting unnecessary redtape from the FDA's drug approval process—permitting expedited approval of promising new drugs not only for persons with HIV or AIDS, but also for those suffering from Alzheimer's disease, cancer, Parkinson's disease, and other life-threatening or seriously debilitating illnesses. Under the bill, patients would be required to sign a disclosure that fully explains the experimental nature of the drug. Those individuals who wish to use only drugs that have passed all the FDA's tests could do so; but the desperately ill would not be precluded from taking greater responsibility and risk in battling their debilitating conditions.

The human cost of our current policies can be clearly seen by reviewing the history of misoprostol, the first drug to prevent gastric ulcers. This drug was approved in a relatively short time—only 9½ months. Yet, if we consider that gastric ulcers kill 10,000 to 20,000 people each year, we can estimate that 8,000 to 15,000 lives were lost during FDA's review period. This tragedy is magnified by the fact that by the time the drug was approved in the United States it was already available in 43 countries, in some of them 3 years earlier.

Mr. President, we must ask ourselves: How many additional lives are we needlessly sacrificing by denying our most desperately ill citizens speedy access to promising drugs? Certainly, if we owe our citizens anything, it's the chance for life—and this bill will give them that chance. I urge my colleagues to join as cosponsors of the Access to Life-Saving Therapies Act, and I urge its prompt passage.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

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

S. 1946

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

(a) **SHORT TITLE.**—This Act may be cited as the "Access to Life-Saving Therapies Act".

(b) **FINDINGS.**—The Congress finds that—

- (1) for many Americans with life-threatening or seriously debilitating diseases, new pharmaceutical products may offer the best, and sometimes the only hope of treatment;
- (2) patients with life-threatening or seriously debilitating diseases are often denied the most advanced therapies because the drug approval process lacks flexibility;
- (3) patients with life-threatening or seriously debilitating diseases are often willing to accept greater risks with respect to the safety and efficacy of drugs than our current drug approval system allows;
- (4) the current mechanisms for expanded access to experimental therapies through Parallel Track, Group C Designation, and treatment INDs do not adequately meet the needs of patients with life-threatening or seriously debilitating diseases and may create disincentives for the development of drugs for patients with life-threatening or seriously debilitating diseases;

(5) health insurers now unfairly discriminate against experimental therapies, even when there is no alternative therapy;

(6) there is no more efficient way to expand access to a new drug than to permit it to be marketed; and

(7) the drug approval laws should be amended to permit the marketing of drugs for any life-threatening or seriously debilitating disease using similar criteria used to permit drugs for HIV infection to be distributed under Parallel Track.

SEC. 2. EXPEDITED APPROVAL.

Subchapter A of chapter V of the Federal Food, Drug, and Cosmetic Act is amended by adding after section 505 the following:

"SEC. 505A. EXPEDITED APPROVAL.

"At the request of the sponsor, the Secretary acting through the Food and Drug Administration, shall approve, on an expedited basis, a drug or biologic needed to treat or prevent a life-threatening or seriously debilitating illness (including AIDS, cancer, Alzheimer's disease, cardiovascular diseases and Parkinson's disease) if the drug or biologic meets the following conditions:

"(1) There is sufficient information, including surrogate markers, from preclinical and early clinical studies—

"(A) to show promising evidence that the drug is effective for the purpose for which it is indicated; and

"(B) to indicate that the drug is reasonably safe, taking into account the intended use and the patient population for which the drug is intended.

"(2) There is a lack of alternative satisfactory therapy for the patients for whom the drug is intended.

"(3) There is sufficient pharmacokinetic and dose-response information to recommend a reasonable dosing regimen (including information on dosage and the interval between doses) that meets the requirements of paragraph (1).

"(4) The applicant has made assurances that the manufacturer has begun one or more controlled clinical trials of the drug and that there will be sufficient quantities of the drug to conduct the trial or trials and satisfy the needs of the market.

"(5) The drug or biologic shall be dispensed only by or upon the prescription of a practitioner.

"(6) The applicant for the approval shall establish and maintain a system for collecting data and information on the use of and experience with the drug or biologic and for monitoring patients for adverse effects.

"(7) The applicant shall continue and complete adequate and well controlled investigations for the drug or biologic to provide additional data to confirm the initial conclusions on safety and efficacy which formed the basis for approval unless such investigations are not feasible.

"(8) The applicant shall submit reports on a periodic basis to the Secretary on findings resulting from systems established under paragraph (6) and investigations conducted under paragraph (7).

"(9) The applicant shall submit data on (A) the characterization of the drug or biologic which is prepared at a larger scale than those prepared for the studies and investigations under this section, and (B) the results of accelerated stability studies. In the absence of contradictory data, the data under this paragraph shall be considered sufficient for the approval of the drug or biologic prepared at such larger scale.

"SEC. 505B. APPLICATIONS.

"(a) The Secretary acting through the Food and Drug Administration, shall expe-

dite and facilitate the review of applications for the approval of a drug or biologic under section 505A. The Secretary shall make a decision on such an application within 120 days of the submission of a completed application. If the Secretary does not make a decision within such days, the application shall be considered as approved under this subsection.

"(b) No health insurance policy or health plan, including—

"(1) any private health insurance policy, health maintenance organization, or other prepaid plan to provide or reimburse for health care services, and

"(2) any program established pursuant to title 18 or title 19 of the Social Security Act, or to any other law of the United States—

shall distinguish between a drug approved pursuant to subsection (a) and one approved pursuant to section 505 or 507 or section 351 of the Public Health Service Act for the purpose of determining whether a drug is eligible for coverage or reimbursement.

"(c) The Secretary, acting through the Food and Drug Administration, shall suspend the approval of an application under section 505A on the basis of new information from at least 2 post-approved studies that fail to confirm the initial conclusions on the safety and efficacy of the drug that formed the basis for approval.

"(d) A drug or biologic approved under section 505A shall be administered under the voluntary and informed consent of the patient or patient's representative who is so situated as to be able to exercise free power of choice without the intervention of any element of force, fraud, deceit, duress, or other form of constraint or coercion. Such consent shall be evidenced by an agreement signed by such a person or representative. The information given in the written agreement shall include—

"(1) a clear explanation that the drug has not conclusively been shown to be safe and effective but has been approved for marketing because preliminary studies showed promise of efficacy and it appeared reasonably safe in its intended population and there is no satisfactory alternative therapy,

"(2) a fair explanation of the procedures to be followed in connection with the drug or biologic, including an identification of any which are experimental,

"(3) a description of any attendant discomforts and risks reasonably to be expected from the use of the drug or biologic,

"(4) a description of any benefits reasonably to be expected from the drug or biologic, and

"(5) a disclosure of any appropriate alternative procedures that might be advantageous to the patient."•

By Mr. FOWLER:

S. 1949. A bill to designate certain National Forest System lands in the State of Georgia as wilderness, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

CHATTAHOOCHEE NATIONAL FOREST PROTECTION ACT OF 1991

• Mr. FOWLER. Mr. President, it is an honor for me to rise to introduce the Chattahoochee Forest Protection Act of 1991.

This legislation creates two new wilderness areas in the mountains of north Georgia, the 7,800 acre Blood Mountain Wilderness and the 16,880 Mark Trail Wilderness. It adds 1,600

acres to the Brasstown Wilderness Area, adjacent to Georgia's highest peak.

It also creates the 7,100 acre Coosa Bald Scenic Area and the 23,330 acre Springer Mountain National Recreation Area.

Overall, this legislation would preserve 56,000 additional acres of the nearly million-acre Chattahoochee National Forest. These lands would be protected from future development and logging.

We know from experience, in Georgia, that mere inclusion in the National Forest System is not enough to protect our greatest natural treasures. They are not threatened only by encroaching development on private lands. Our most precious national forest lands have also been threatened by land swaps with developers, and by inappropriate uses that do not consider their value as undisturbed natural area—for recreation, scenic vistas, or pools for biodiversity.

In fact, lands within these parcels, marked for their outstanding natural features, have been scheduled for extensive logging by the U.S. Forest Service—to the chagrin, I think it is safe to say, of most Georgians, including most residents of the north Georgia mountains who treasure these as local and community resources.

Congressman ED JENKINS of Georgia, the author of this legislation, worked very hard, in developing this proposal, to get the input of the people in his district who are most directly affected. He publicized the bill before its introduction in the House and invited public response. He mailed copies of the bill to citizens 2 months ahead of time. He promised not to go forward without the support of the people of the Ninth Congressional District of Georgia, and some modifications were made in response to legitimate concerns which were raised.

As a result of this effort, support for this protection legislation has been overwhelming. More than 75 percent of the constituents who responded to Congressman JENKINS favored the bill. Opposition by scattered timber interests have gained no support in the industry. All nine of Georgia's remaining Representatives are cosponsors of this legislation.

I cannot say enough about my good friend, ED JENKINS, and I want to commend him for the tremendous job he has done in developing this legislation and building the consensus for passage throughout our state.

In the final analysis, I think it is inconceivable to most Georgians that an area like Blood Mountain needs protection from Government-subsidized logging operations.

Blood Mountain is the site of an ancient Indian battle between the Creeks and Cherokees. It is situated near by Neel's Gap and the southern terminus

of the Appalachian Trail. Thus it stands at the gateway to the mountains for hundreds of thousands of sightseers and recreational users yearly. It also, without a doubt, forms part of one of the most breathtaking scenic vistas—not just in Georgia, but in the country.

Anyone who has ever made the trip from Dahlonega to Blairsville—rounding the hairpin curves with a sweeping panorama of fall leaves in the steep mountainsides opposite and the deep valleys below—will vouch for that.

Likewise, the proposed Mark Trail Wilderness has long been recognized for its rich splendor. It is named for Ed Dodd, creator of the Mark Trail comic strip, who made his home in these mountains and for decades taught our children an appreciation for nature and the values of conservation and environmental protection. This wilderness area would also protect the headwaters of the Chattahoochee, a river of increasingly vital importance for the entire southeastern region.

Clearly, we are not talking about assets that ought to be sacrificed to Forest Service timber sales that consistently lose money in the Chattahoochee National Forest. Truly this flies in the face of every measure of value and economic common sense. And I hope that what we have accomplished in Georgia can serve as a model for the rest of the nation.

We are proud of our natural heritage, and we mean to protect it and preserve it for future generations. I ask my colleagues to support this measure, on behalf of sound public lands policy, and in recognition of the clear will of the people of Georgia to preserve these natural treasures.●

By Mr. DANFORTH (for himself, Mr. BAUCUS, Mr. PACKWOOD, Mr. MOYNIHAN, Mr. CHAFEE, Mr. PRYOR, Mr. DURENBERGER, Mr. DASCHLE, Mr. HATCH, Mr. RIEGLE, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BREAUX, Mr. BOREN, and Mr. SPECTER):

S. 1950. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year certain expiring tax provisions; to the Committee on Finance.

EXTENSION OF CERTAIN EXPIRING TAX PROVISIONS

● Mr. DANFORTH. Mr. President, I am introducing today a bill for myself and Senators BAUCUS, PACKWOOD, MOYNIHAN, CHAFEE, PRYOR, DURENBERGER, DASCHLE, HATCH, RIEGLE, GRASSLEY, ROCKEFELLER, BREAUX, BOREN, and SPECTER—representing a majority of Members who serve on the Senate Finance Committee. The bill extends for 1 year a group of 12 tax provisions currently scheduled to expire by or before the end of 1991.

Each year taxpayers are forced to guess whether these important incentives referred to as the extenders will

remain in Federal tax law. In a ritual that is almost institutionalized, Members annually proclaim support for their favorite extender provision(s), but fail to act in a timely manner to ensure they remain in force. This year is no different.

Given the current state of the economy, this legislation is absolutely vital. Many creative proposals have been circulated as of late with an aim to stimulate economic recovery. Consensus on these proposals remains far off. The economy and the citizens of this country can not afford to wait for Congress and the administration to agree on a grand long-term plan that will not have an effect on the economy until 2 years from now, assuming an agreement can be reached some time next year. None of the bills that might be of benefit to the economy by creating new jobs and stimulating economic activity is likely to be acted upon this year.

But Mr. President, we have it within our power to ensure that the economic benefits and jobs that are currently created by these 12 expiring provisions are not lost. We have the power and the responsibility.

The tax provisions that are the subject of the legislation that I am introducing today are currently adding economic benefit by, among other things, encouraging research and development activities, stimulating the construction of low-income housing, assisting first-time home buyers, and promoting employment of the structurally unemployed. These significant economic benefits will be lost if we allow the tax incentives designed to encourage such activities to expire.

HOUSING INCENTIVES

For example, the low-income housing tax credit is set to expire on December 31, 1991. Since its enactment in 1986, the program has become the principal Federal incentive for the production of low-income housing. More than 365,000 low-income rental units were produced nationwide through use of the credit. The credit is responsible for the production of 120,000 units per year. In 1989 and 1990, when new multifamily construction was declining across the board, the credit was responsible for approximately 25 percent of all multifamily rental starts. Moreover, credit-assisted production accounts for between 95 and 100 percent of low-income multifamily rental production units that rent for less than \$450 per month. The National Association of Home Builders [NAHB] estimates that the credit will result in preservation of 620,000 low-income units in the next decade, and production of 640,000 new low-income rental units.

The low-income housing tax credit has benefits extending beyond providing housing for low-income individuals. Growth in housing stock also is a tool to revitalize local economies. NAHB es-

timates that the credit generates \$140,000 of economic activity per housing unit. In addition, increased wages, property values, and tax revenues from increased activity add an estimated \$16.8 billion to the economy and \$1.2 billion in tax revenues annually.

The credit also translates into jobs. The NAHB estimates that the credit is responsible for close to 100,000 jobs per year, with approximately 40 percent in the construction industry.

Planning, structuring, and building a tax credit project is complicated, time consuming, and costly. A developer has little incentive to invest in such projects unless he or she is assured that the credit will exist throughout the life of the project. In addition, much of the money generated for tax credit projects is accumulated through pooled equity funds. The constant uncertainty surrounding the credit's extension stifles investment in these sources of capital. A lapse in the program will severely damage investor confidence.

A related provision to encourage housing for middle- and low-income taxpayers also is set to expire at the end of 1991. That provision provides for the issuance of qualified mortgage bonds, the proceeds of which are used to finance the purchase or qualifying rehabilitation of single-family, owner occupied homes within the jurisdiction of the bond issuer. Because the interest earned on these bonds is exempt from Federal income tax, the bonds provide mortgage money at lower than conventional rates.

What does it mean to the country if we let these provisions lapse? For low-income Americans it will mean the elimination of their best chance for a decent place to live. For State and local governments it will mean the total disruption of housing programs that feature the credit as a centerpiece. Moreover, the unprecedented private sector investment in low-income housing that the credit has fostered will dry up.

How can we afford to let these two invaluable housing incentives lapse? The answer is, we cannot—and a vast majority of the Members of this Senate realize the importance of these provisions. Over 80 Senators have cosponsored legislation that would make these provisions permanent.

JOBS FOR PEOPLE WITH SPECIAL NEEDS

Another important program that will lapse at the end of the year unless action is taken by this Congress is the targeted jobs tax credit [TJTC], which encourages employers to hire persons from targeted groups with special employment needs. Since its inception in 1979, TJTC has been directly responsible for encouraging employers to hire approximately 5 million structurally unemployed individuals. Expiration of this proven, cost-effective, jobs program will have a significant adverse

impact on economically disadvantaged and disabled individuals. A recent General Accounting Office [GAO] study on TJTC confirmed that the credit has helped to change hiring practices and stimulate managers to seek out, recruit, hire, and retain employees of the targeted groups.

It is imperative that there be no lapse in the TJTC Program. TJTC requires an appropriation for the Labor Department so it can certify the targeted individuals who qualify for the program. In addition, Job Services will not process letters of request for certification if there is a lapse in the program. Moreover, absent a TJTC State agencies responsible for administering the credit will be idle, and perhaps closed.

Especially now, with current hiring levels making it more difficult for those with less skill and training to get jobs, TJTC offers disadvantaged people an opportunity to compete in the job market. Let's not take this opportunity away from them.

AMERICA'S COMPETITIVE EDGE: R&D

American business would be disadvantaged by a lapse of tax incentives to spur research and development [R&D]. International competition is a major challenge to the continued growth and vitality of domestic corporations. The quality and extent of domestic R&D is vital to the ability of U.S. businesses to remain competitive in international markets. Japan and Germany spend approximately one-third more of national income to develop commercially useful processes and technologies than does the United States.

The ability of America's science and technology community to develop new ideas, which are then incorporated into products and services, has long been recognized as a vital component of our national competitiveness strategy. Everyone—Congress, the administration, and the business community—agree that bolstering R&D is one key to bolstering U.S. competitiveness.

With the existence of the R&D tax credit and moratorium on section 861-8 being threatened, the time to act is now. We need to take action today that will improve the prospects for tomorrow.

It has been estimated that the R&D credit extension could increase spending on research and development by \$25.7 billion between 1991 and 1995. The R&D credit is not a subsidy, but an incentive because only those companies that increase their spending on R&D could claim it. The projected increase in spending would have obvious benefits to technological research, but it would also have a ripple effect creating jobs, and stimulating local economies and businesses.

Section 861-8, as it applies to research, is an onerous provision requiring U.S. companies with foreign oper-

ations to allocate a percentage of their research expenditures to income earned abroad. In effect, the provision is a disincentive to conducting R&D here at home. Recognizing this, Congress has repeatedly prevented this regulation from taking effect by adopting a series of moratoria. Continuing the moratorium does not give American companies a tax break. Continuing the moratorium simply eliminates a penalty leveled against American companies—a number estimated to be over 300—for doing research and development in America. In 1988, these affected companies performed over \$46 billion in R&D, almost 80 percent of all industry-funded U.S. R&D. Mr. President, if America is going to get back on its feet, we need to act now. Extending these two widely supported and important R&D tax provisions is a sound, logical step.

ENCOURAGING EDUCATION

Unless Congress acts before the end of this session the education assistance program found in section 127 of the Code will expire, leaving millions of low- and middle-income American workers without the only means they have to advance their education and increase their job skills.

Student assistance has been cut back dramatically since 1981, with more than \$2.8 billion lost from Social Security benefits for students, as well as restrictions on grants and loans. This program is a proven one. Since 1978, more than 7 million Americans have been able to work and attend classes in order to improve their skills and qualify for better jobs. And this program benefits those underprivileged individuals that need it most. A recent study showed that nearly 71 percent of those who received section 127 payments earn less than \$30,000 annually and nearly 99 percent earn less than \$50,000 annually.

Retroactive extension of section 127 creates administrative nightmares for employees. Employers are uncertain whether or not to begin withholding taxes on the amount of educational assistance employees are receiving, or whether the section will be extended and withholding is unnecessary. In addition, the inability of employees to plan long-term educational strategies keeps thousands of employees from furthering their education. At a time when we should be encouraging employees to educate their work force, we should not let this provision expire, sending a sign that we do not care about the average worker.

HEALTH CARE

Also set to expire this year is an important health care provision. It allows self-employed individuals the ability to deduct 25 percent of amounts paid for health insurance on behalf of the self-employed individuals and his or her spouse and dependents.

While we will not be able to enact a comprehensive health care plan to

keep down the cost of health care before the end of this year, we have the ability to make sure that the cost of health insurance for the self-employed and his or her family is not increased by our inaction.

CHARITABLE GIVING

For a number of charitable organizations, gifts of appreciated property have declined since 1986, when the unrealized appreciation of such gifts was made a tax preference item for purposes of the alternative minimum tax [AMT]. This change in law directly and negatively affected gifts given to colleges and universities, which use such gifts for scholarship funds, endowed chairs, construction and renovation of classrooms and laboratories.

In 1990, the unrealized appreciation with respect to charitable contributions of tangible personal property was excepted from the AMT calculation. This provision is set to expire at the end of 1991. At a time when the economy is sluggish and charitable giving is usually stifled, we should not be responsible for creating a further disincentive for charitable giving by allowing this provision to lapse.

Other important provisions set to expire at the end of the year—provisions that have proven their worth time and time again—include exemption from tax on qualified small issues of private activity bonds, tax credit for orphan drug chemical testing, business energy tax credit for solar and geothermal property and exclusion from income for employer-provided group services. I am attaching at the end of this statement a complete list of the 12 extenders. The bill I am introducing does not change any of the provisions; it simply follows current law.

In conclusion Mr. President, the time to act is now. Though some may argue that these provisions can be dealt with next year, retroactive legislation is not an adequate alternative. The fact is that, faced with the possibility that these provisions may not be extended, many businesses will have no alternative but to cut back dramatically and in some cases discontinue the activities encouraged by these tax incentives. This is bound to have an adverse impact on technological innovation, employment, and construction. Moreover, once business opportunities are lost, they are often never fully recaptured.

Though there may be no consensus on how best to stimulate the economy in the long term, there is broad bipartisan consensus as to the policy merits and practical effectiveness of these provisions. In addition, I fear that failure to renew these economic incentive measures may slow an already stagnating economy. Accordingly, extending these tax provisions is something that we can do now to benefit the economy.

Finally, although this legislation does not contain specific revenue pro-

posals to pay for the 1-year extension of these expiring tax provisions, I am working on possible revenue measures and will come forward with suggestions at the appropriate time. I look forward to working with the tax-writing committees in acting on these measures immediately.

Mr. President, I ask unanimous consent that a list of the expiring tax provisions be printed in the RECORD.

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

PROVISIONS SCHEDULED TO EXPIRE THIS YEAR

1. Employer-provided educational assistance (sec. 127).
2. Group legal services (secs. 120, 501(c)(20)).
3. Health insurance deduction for self-employment (sec. 162(1)).
4. Mortgage revenue bonds and mortgage credit certificates (sec. 143, 25).
5. Qualified small-issue manufacturing bonds (sec. 144(a)).
6. Foreign allocation of R&D (sec. 861(b), 862(b), 863(b), 864(b)).
7. Research and experimentation tax credit (sec. 41).
8. Low-income housing tax credit (sec. 42).
9. Targeted jobs tax credit (sec. 51).
10. Business energy tax credit for solar and geothermal property (sec. 48(a)).
11. Orphan drug tax credit (sec. 28).
12. Minimum tax exception for gifts of appreciated tangible property (sec. 57).*

* Mr. CHAFEE. Mr. President, I am pleased to join Senator DANFORTH and our other colleagues in the introduction of this bill to extend all of the expiring tax provisions for 1 year. These provisions are an important part of our efforts to maintain our competitive position in the world economy; encourage education; provide affordable housing, both to renters and for first time homebuyers; and to provide jobs for all Americans.

The Mortgage Revenue Bonds Program, which is scheduled to expire at the end of this year, is an important part of our efforts to reverse the declining home ownership trend that exists in this country. For many Americans, the dream of home ownership continues to become more and more difficult to achieve. The Nation's home ownership rate is at its lowest level in almost two decades.

In many States, such as Rhode Island, where housing is very expensive when compared to median incomes, we must provide tax incentives for programs that assist low-income Americans in acquiring their first home. The Mortgage Revenue Bond [MRB] Program authorizes States to issue tax-exempt mortgage revenue bonds to provide below market-rate financing for the purchase of homes by citizens in those States. This below market-rate financing allows first-time homebuyers to purchase a home, when they would not be able to buy a house with any of the conventional financing methods.

In 1986, we adopted a State volume cap which placed a limit on the total

amount of private purpose tax-exempt bonds that could be issued by a State. The MRB Program expands the types of private-purpose bonds that can be issued by a State within its volume cap. I believe it is vitally important that we allow States to utilize the volume cap in the most beneficial way for each State's citizens.

The Mortgage Revenue Bond Program is an important part of the State housing program in my home State and its efforts to address the large affordability gap that exists in Rhode Island. Rhode Island Housing, the manager of our MRB Program, utilizes State resources to provide second mortgages and interest rate buydowns combined with the MRB Program to assist citizens of Rhode Island in the purchase of a home.

In the 17 years that Rhode Island Housing and Mortgage Finance Corporation [RIHMFC] has existed, over 38,400 families have been able to purchase a home utilizing mortgages from the MRB Program totaling almost \$1.7 billion. The managers of the MRB Program have calculated that approximately 80 percent of the families served by the MRB Program would not have been able to qualify for a conventional mortgage.

In 1990, RIHMFC issued \$220 million in mortgage revenue bonds and assisted over 2,000 Rhode Island families with the purchase of a first home by providing over \$188 million in mortgages. The median family income of the participants in the Rhode Island MRB Program last year was \$30,267—about 83 percent of Rhode Island's statewide median income for 1990. The average loan amount issued to these participants was \$93,431 on an average purchase price of \$105,583 compared to a statewide average sales price of \$147,780 for all homes sold in Rhode Island during 1989.

The average age of all the recipients who have received mortgages provided by RIHMFC is 31.5 years, which indicates that the program is not assisting only young people right out of college. In fact, it is helping young families who may have been in the work force for 10 or more years before they could afford to buy a first home.

The experiences of Rhode Island Housing illustrate the vital importance of this program to fulfilling the home ownership dreams of low-income Americans. It is imperative for us to expand the authority of the States to issue tax-exempt bonds to provide mortgage revenue bond financing to our young families who would not otherwise be able to fulfill the American dream by purchasing a first home.

The extension of this program through the end of 1992 will allow States, such as Rhode Island, to continue to assist young families who may not otherwise have been able to purchase a home. I am hopeful that we

will be able to maintain this program that is such an important part of our overall housing program.

The next provision I would like to discuss is the low-income housing tax credit that was created in the Tax Reform Act of 1986 to encourage construction and rehabilitation of housing for low-income Americans. The effectiveness of this credit in providing low-income housing has been proven during the 5 years since its enactment and we should not let it expire at the end of this year.

The credit provides a valuable tax incentive to both nonprofit and for-profit developers to fund the production and preservation of low-income rental housing. It is absolutely necessary to encourage the development and renovation of housing for the poor.

In my State the RIHMFMC, the State housing agency, has used the tax credit to successfully address the needs of our citizens for safe and affordable housing. The loss of these credits would be devastating to their efforts. By combining the credit with bond financing and zero interest second mortgages, RIHMFMC has been able to produce and preserve low-income housing in one of this country's most expensive housing markets. Our State was one of only nine States to use 100 percent of its credit allocation for both 1988 and 1989.

During the last 3 years, 25 Rhode Island developers have received tax credit financing for the production and preservation of a total of 851 units of low-income rental housing. Although only 10 of the 25 developers are nonprofit organizations, they have received 72 percent of the almost \$3 million in tax credits that have been allocated by RIHMFMC. According to the National Council of State Housing Agencies, Rhode Island allocated a higher percentage of 1988 low-income housing credits to nonprofit housing developers than any State in the country.

Providing an adequate supply of safe and affordable housing is a long-term job, for both State housing agencies and developers. State housing agencies that assist with these programs must invest a considerable amount of time and resources in the development of the necessary administrative capacity to operate the program. In addition, private housing developers must have considerable lead time for these undertakings. If they are to make the required investments in time and resources, these necessary participants in the program must know that it will be extended past this year.

The nations winning the competitiveness race are those that recognize the importance of advanced technology, and work to attract companies that will establish research and development facilities within their borders. To achieve greater economic competitiveness we must foster, not impede, U.S.

investment in research and development. We must expand, not export, our technological base.

The current regulations under section 861 create an incentive for companies to move their R&E offshore. If R&E expenses incurred in the United States must be allocated to foreign sales, U.S. companies may move the R&E offshore to take advantage of beneficial tax treatment in other countries.

It has been alleged that reform is some type of tax break. I assure you that is not the case. Section 861 is a penalty on domestic R&E, in that it requires U.S. R&E performers to engage in an accounting fiction that leads to double taxation and increases their worldwide tax liability. Removal of this penalty simply allows American companies to be treated like their counterparts all over the world.

The R&E tax credit is also very important to encourage American companies to increase the level of research they are doing on new technologies and new products. This credit has served as a very effective incentive since it was first enacted in 1981.

I am sorry that we may only be able to extend these provisions for 1 year, since America needs a consistent and permanent R&E policy. Research projects often take years to complete and require businesses to make commitments of funds years in advance, therefore they need the assurance that a permanent R&E policy would provide.

These two provisions are vitally important to the international competitiveness of U.S. companies, an issue that has become one of the top concerns of Congress, and rightly so. Given the importance of this issue, government policies should be carefully scrutinized to ensure they enhance our ability to compete rather than hinder it. We cannot let these provisions lapse at this critical time when we should be encouraging new and increased research and development activities in the United States.

Each of the provisions in this bill are important to the Americans who utilize them and rely on them to fulfill their intended purpose. We must extend them this year, we cannot allow them to expire and expect people to rely on our ability to extend them retroactively next year. I urge my colleagues to join us in cosponsoring this legislation and to support our effort to extend these provisions this year.●

● Mr. MOYNIHAN. Mr. President, I am pleased today to join the distinguished senior Senator from Missouri, Senator DANFORTH, in introducing legislation to extend for 1 year several very important tax provisions, including employer-provided educational assistance, the low-income housing tax credit, the Mortgage Revenue Bond Program, the targeted jobs tax credit, the tax deduc-

tion for gifts of appreciated property, and the tax deduction for health insurance costs of self-employed individuals.

Currently, all of these provisions are scheduled to expire at the end of 1991. The bill we introduce today would keep them in effect for another year.

Congress has until now enacted these provisions for several temporary periods. It has repeatedly allowed them to lapse, only to reextend them on a retroactive basis for another temporary period. Take for example, the Employer-Provided Educational Assistance Program, covered under section 127 of the Tax Code. Since 1978, it has been extended five times. Most recently the Omnibus Budget Reconciliation Act of 1990 provided for a 15-month extension, retroactive from its September 30, 1990, expiration date through December 31, 1991.

Though I think it is time for this cliffhanger approach to stop, I join in sponsoring this legislation today in an effort to prevent the serious disruptions that will ensue if these provisions are allowed to expire at the end of this year.

These provisions represent worthwhile and effective tax policy, designed to encourage such important goals as education, housing, employment, the maintenance of our cultural heritage, and increased access to health care. To allow them to expire would be a mistake, and could seriously impair ongoing efforts to further the goals they are intended to foster.

These provisions work. Since being enacted in 1978, the Employer-Provided Educational Assistance Program has enabled over 7 million working men and women to advance their education and improve their job skills without incurring additional income tax liabilities. As of mid-1990, the low-income housing tax credit had been responsible for the construction or rehabilitation of over 235,000 low-income rental housing units; the targeted jobs tax credit had helped create jobs for some 4.5 million disadvantaged youths, veterans, and other needy citizens; and mortgage revenue bonds had financed over 1 million loans to low- and moderate-income homebuyers. The current 1-year window allowing a full deduction for donations of art and manuscripts to museums and universities has resulted in all manner of gifts—everything from rare Benin bronze sculptures to antique race cars.

Thus far in the 102d Congress, legislation has been introduced to extend each of these provisions. I have cosponsored several of these bills, and have sponsored S. 24, which would permanently extend section 127. I applaud the efforts of Senator DANFORTH in taking this comprehensive approach toward the extenders, and I am happy to join as a cosponsor of this legislation.●

By Mr. HOLLINGS (for himself and Mr. LOTT):

S. 1952. A bill to amend the Internal Revenue Code, of 1986 by repealing the provisions relating to limitations on passive activity losses and credits; to the Committee on Finance.

REPEAL OF PASSIVE LOSS LIMITATIONS

● Mr. HOLLINGS. Mr. President, I rise today for myself and Senator LOTT, to introduce legislation to repeal the passive loss restrictions in the 1986 Tax Act. The legislation will amend the 1986 Tax Reform Act to provide that the limitations on passive loss activities and credits will not apply to any real estate activity.

The 1986 Tax Act and the real estate provisions it contains are the unnamed coconspirators in the creation of the S&L and banking problems. The repeal of this restriction would supply the incentive to spur more investment in real estate and bring it out of its current slump. The losses we are seeing now are real losses, not passive losses, and the Government needs to take an active role, not a passive one, in rectifying the downward spiral of our economy. The idea that Government is supposed to be passive is a prescription for exactly what we've got—stagnant markets and areas of the country that are beyond recession and into depression. Mr. President, of course we should let businessmen run business, but it is the Government's responsibility to create an atmosphere where business can flourish. Repealing the restrictions on passive-loss provisions is a step in that direction and one our economy desperately needs.

I urge my colleagues to support this bill.●

By Mr. LEAHY:

S. 1953. A bill to change requirements for the Food Stamp Employment and Training Program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD STAMP EMPLOYMENT AND TRAINING REFORM ACT

● Mr. LEAHY. Mr. President, the bill I am introducing addresses the failure of the Food Stamp Employment and Training Program. Despite funding of \$500 million over recent years, the Employment and Training Program has proved to be neither.

The Employment and Training Program should be designed to help people find sustaining jobs and get off food stamps. Instead, the program ineffectively spends too little money on too many people, ensuring help for no one.

In times of high unemployment and big budget deficits, we should help those on food stamps who want to get back to work.

A Department of Agriculture study, however, conducted this year by Abt Associates, Inc., found that the Employment and Training Program has no significant effect on participants' employment or earnings.

I have worked closely with USDA on this bill, which will streamline the Em-

ployment and Training Program to ensure that participants are given a real chance to find work and get off food stamps. I look forward to continuing to work with USDA on the reform of this program.●

By Mr. BINGAMAN:

S. 1954. A bill to assist the United States in achieving certain reasonable health-related objectives, known as the Healthy People 2000 goals, through the development of a meaningful annual report concerning the health status of the United States, and for other purposes; to the Committee on Labor and Human Resources.

NATIONAL HEALTH CHECKUP ACT

● Mr. BINGAMAN. Mr. President, over the past several days and weeks, we have heard a lot of talk in the Congress and around the country about the need to find real, lasting, and affordable solutions to our growing crisis in health care—a crisis that threatens to cripple our Nation and shatter our ability to compete effectively in the 21st century.

For too long, we have devoted all our resources to mending the cracks in the system. We have now reached a point where we cannot glue the system back together. We must examine its foundation—the underlying myths and beliefs about health care in America. And we must create a national strategy that will help build a healthy, competitive America in the 21st century.

I believe that individual empowerment, good health, and disease prevention are crucial elements of that national strategy. Mr. President, when I say "national strategy," I am not talking about a Federal strategy. I am talking about a strategy that includes everyone—all segments of society—from the Congress and the administration to State governments, community leaders, and individual family members.

The foundation for this strategy has already been laid by Dr. Louis Sullivan, the Secretary of Health and Human Services. As many of my colleagues know, Dr. Sullivan deserves tremendous credit for his leadership role in coordinating the 3-year development of a comprehensive set of health objectives for the Nation. Dr. Sullivan's developmental work culminated in the publication last year of a landmark report entitled "Healthy People 2000."

"Healthy People 2000" sets out three principal goals:

First, to increase the span of healthy life for Americans;

Second, to reduce health disparities among Americans;

Third, to achieve access to preventive services for all Americans.

To help meet these goals, Dr. Sullivan and his extensive working group developed nearly 300 specific objectives in 22 priority areas. These priority areas include: physical fitness, nutri-

tion, tobacco use, alcohol and other drug use, family planning, mental health, violence, accidental injury at home and on the job, heart disease, cancer, HIV infection, and immunization.

To help ensure that these critical objectives are realized and that the American people understand and appreciate the importance of the objectives, I am today introducing two pieces of legislation based on the "Healthy People 2000" objectives and my work in New Mexico with an organization I helped establish several years ago, HealthNet New Mexico. I am particularly proud of HealthNet New Mexico, an annual statewide health promotion campaign that relies heavily on public-private partnerships and the media to get the message of good health, fitness, and better nutrition to people throughout New Mexico.

One of my bills—the Act for a Fit and Healthy America—will help States translate the "Healthy People 2000" objectives into statewide health promotion programs like HealthNet New Mexico and is similar to legislation I introduced in the 99th and 100th Congresses on this issue. My other bill will help keep us updated—through a short, easy-to-understand annual report and press conference-media event—on our progress, at the national, State, and individual levels, toward achieving the "Healthy People 2000" objectives.

THE NATIONAL HEALTH CHECK-UP ACT

The National Health Check-up Act is the result of a set of hearings I chaired last year under the auspices of the Senate Committee on Governmental Affairs. During those two hearings, it became clear to me that if we are to achieve the "Healthy People 2000" objectives, we need to popularize the goals and empower every American to become personally responsible for achieving the goals, both nationally and individually.

An effective way to do that, I believe, is to publicize an annual checkup on our progress, using the news media to the maximum extent possible. I'm not advocating publication of another lengthy, technical, annual report of complicated data and statistics. That kind of a report would probably be 3 inches thick and never read by the people who need to read it the most.

I am advocating a straightforward, down-to-earth checkup on our health status: a simple, short, easy-to-understand annual report prepared by the Secretary of Health and Human Services for all the American people.

If the checkup is to be as useful as I think it can be, it must be easy to understand. The health objectives to be checked must be simple, short, and relevant to individuals. The checkup should focus on a specific, or priority, set of the objectives.

I have drafted a simple bill that mandates such a checkup. My bill directs

the Secretary to prepare a short annual report and convene an annual press conference-media event to address the American people on our individual and collective progress toward achieving key "Healthy People 2000" objectives.

In the report and during the press conference, the Secretary is to:

First, focus attention on an easily identifiable and understandable set of core health objectives, which he will determine;

Second, highlight national, State, and individual progress toward the objectives, using specific examples when possible;

Third, stress quality of life indicators, rather than vital statistics;

Fourth, specifically point out any of the priority areas where we need to devote additional effort if we are to achieve the objectives; and

Fifth, compare the current ranking of the United States with our international counterparts.

In my view, this type of checkup will bring home the "Healthy People 2000" objectives to all Americans in a way that technical, data-packed annual reports cannot.

ACT FOR A FIT AND HEALTHY AMERICA

The Act for a Fit and Healthy America is also intended to help us achieve the "Healthy People 2000" objectives. The bill encourages all States to establish HealthNet New Mexico-type organizations, which will foster statewide progress toward the objectives.

My bill focuses on public-private partnerships because I believe it is critical that the American people—individuals and business—feel an ownership for the objectives. Simply mandating that States, through their departments of health, establish and finance health promotion campaigns will not work any longer, in my opinion.

If we want health promotion campaigns to work, we need to make people feel a responsibility for their own health. That will involve a tremendous change in the American way of thinking, but it is a change we must start advocating now. The year 2000 is only 9 years away.

My bill authorizes Federal grants to help States establish Governor's Healthy People 2000 advisory councils. Each advisory council would be built on a firm foundation of public-private partnerships and would develop a set of health objectives similar to the national objectives, but specifically tailored to the needs of the State. The advisory councils would oversee State-wide health promotion campaigns similar to HealthNet New Mexico.

Specifically, the bill:

First, authorizes a grant program, to be administered by the Secretary of the Department of Health and Human Services, for the establishment of public-private partnerships—Governor's Healthy People 2000 advisory councils—

that will lead statewide health promotion campaigns;

Second, requires the Secretary to document the effectiveness of the campaigns and progress toward the "Healthy People 2000" objectives through the collection of data on the health and fitness levels of participants, which will be available for the benefit of other advisory councils;

Third, stipulates that the campaigns must chiefly involve private businesses, media, schools, and nonprofit organizations; that an office within the State department of health must be designated to oversee and assist the advisory committee; and that the non-Federal share of the health promotion programs may come from private sector contributions of funding, services, and equipment.

If the new statewide health promotion programs that my bill envisions are to be successful, they must be supported in every State by strongly committed individuals. Health care providers, public officials, educators, business men and women, and people throughout the community must become personally committed to working in partnership if we are to improve our Nation's health care system and ensure its viability in the 21st century. If any of us fail to make that commitment, we all will lose.

And if we are serious about a commitment to creating a healthy America by the year 2000, we have a lot of work to do in the next 8 or 9 years. I believe my bill will help lay the foundation for our work.

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

S. 1954

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Health Checkup Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the United States is on the verge of a health care crisis, spending more than \$600,000,000,000 (12 percent of the gross national product) on health care each year;

(2) the United States spends 50 percent more of its gross national product on health care than does Canada (which ranks second in spending), more than twice as much as Japan, and almost three times more than Great Britain spends on health care;

(3) despite spending significantly more on health care than our international counterparts, Americans are not healthier than citizens of most industrialized countries, with citizens of Canada, Japan, and Great Britain living longer and having much lower infant mortality rates than citizens of the United States;

(4) chronic diseases such as coronary heart disease, stroke, atherosclerosis, diabetes, and cancer account for more than two-thirds of all deaths in the United States;

(5) accidental deaths at home, on the job, and in automobiles also account for a significant number of deaths in the United States;

(6) personal lifestyle choices, such as diet and exercise, have a significant impact on the health destiny of individual Americans and the economic security of the United States (smoking, for example, being the single most preventable cause of death and illness in the United States);

(7) alcohol abuse is the leading preventable cause of birth defects and is a major factor in thousands of preventable deaths, including motor vehicle fatalities, homicides and suicides;

(8) the Department of Health and Human Services report entitled "Healthy People 2000: National Health Promotion and Disease Prevention Objectives", outlines a comprehensive national strategy for improving the health of all Americans during this decade;

(9) "Healthy People 2000" is the product of a 3-year national effort, involving professionals, citizens, private organizations, and public agencies from all parts of the country;

(10) "Healthy People 2000" sets forth specific national objectives for reducing preventable deaths and disabilities, reducing disparities in health status among subpopulations of our society, and for enhancing the quality of American life;

(11) for the economic and social well-being of America, Congress should support and encourage progress toward achieving each of the Healthy People 2000 objectives; and

(12) to assist the Nation in measuring the progress made toward achieving, and ultimately reaching, each of the Healthy People 2000 objectives, the Secretary of Health and Human Services should publish a short annual report on key Healthy People 2000 objective indicators and call an annual press conference to report to the United States the progress made, on a national, State, and individual level, toward achieving the Healthy People 2000 objectives and to better educate the American public on the importance of such objectives.

(b) PURPOSE.—It is the purpose of this Act to require the Secretary of Health and Human Services to report to the American public, through—

(1) the publication of a short, easy-to-understand annual report on key Healthy People 2000 objective indicators; and

(2) the convening of an annual press conference, concerning the national and individual progress made toward achieving a representative set of the Healthy People 2000 goals, such as the National Health Priorities identified by the Secretary and mandated under the Year 2000 Health Objectives Planning Act (Public Law 101-582).

SEC. 3. DEFINITIONS.

As used in the Act:

(1) HEALTH PROMOTION.—The term "health promotion" includes—

(A) cessation of tobacco use;

(B) reduction in the abuse of alcohol and other drugs;

(C) improvement of nutrition;

(D) improvement of physical fitness;

(E) prevention of accidents related to lifestyle;

(F) improvement of mental health and well-being;

(G) family planning;

(H) control of violent and abusive behavior; and

(I) health education and community-based programs.

(2) HEALTHY PEOPLE 2000 OBJECTIVES.—The term "Healthy People 2000 objectives" means the 300 specific health objectives in 22 priority areas, such as fitness, nutrition, tobacco, maternal and infant health, cancer, cardio-

vascular disease, HIV disease, immunization, and environmental health, identified by the Secretary in the report entitled "Healthy People 2000: National Health Promotion and Disease Prevention Objectives".

(3) NATIONAL HEALTH PRIORITIES.—The term "national health priorities" means the priorities identified by the Secretary pursuant to the requirements of the Year 2000 Health Objectives Planning Act (Public Law 101-582).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

SEC. 4. ANNUAL REPORT AND PRESS CONFERENCE.

The Secretary shall annually publish a short, easy-to-understand annual report and convene a national press conference to make the American people aware of progress made toward achieving the Healthy People 2000 objectives. The annual report and press conference shall be designed to—

(1) focus attention on an easily identifiable and understandable set of core health objective indicators;

(2) highlight national, State, and individual health status indicators and cite specific examples;

(3) stress quality of life indicators;

(4) maximize the use of the print and electronic media to promote the health status of the United States and the Healthy People 2000 objectives;

(5) highlight priority areas where additional efforts are needed, either at the national, State, or individual level, to attain specific Healthy People 2000 objectives; and

(6) report on the current ranking of the United States with respect to the infant mortality and life expectancy rates.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

SEC. 6. EFFECTIVE DATE.

This Act shall become effective on January 1, 1992.

By Mr. GLENN:

S. 1955. A bill to extend the existing suspension of duty on certain diamond tool and drill blanks, and for other purposes; to the Committee on Finance.

EXTENSION OF EXISTING SUSPENSION OF DUTY

• Mr. GLENN. Mr. President, I am pleased today to introduce a bill to extend the current duty suspension on imported polycrystalline diamond compact (PDC) tool and drill blanks. GE Superabrasives, located in Worthington, OH, is the predominant United States producer of these blanks, which are made at the Worthington facility and at a GE plant in Ireland. These PDC blanks are used in the manufacture of drill bits for oil and gas exploration, and various mining functions. GE urges favorable action on this extension, which has been in effect since 1984—but for an unintended 10-month interruption in 1988.

In section 160 of the Trade and Tariff Act of 1984, a new duty suspension provision was enacted on PDC tool and

drill blanks, effective through December 31, 1987. The suspension was extended in 1988, to be effective through 1992. Through an inadvertent drafting error, the 1988 extension was made effective from the date of enactment, November 10, 1988, rather than January 1, 1988, the expiration of the previous suspension. My bill would continue the current duty suspension through December 31, 1995, and permit the refunding of duties paid on imports made in 1988 before the enactment of the Technical and Miscellaneous Revenue Act of that year. I am not aware of any opposition to the continuation of this duty suspension, rather the suspension has been beneficial to users of PDC blanks by keeping their costs down. •

By Mr. BYRD (for himself, Mr. KERRY, Mr. AKAKA, Mr. INOUE, Mr. LAUTENBERG, Mr. REID, Mr. ADAMS, Mr. DODD, Mr. CRANSTON, Mr. SANFORD, Mr. RIEGLE, Mr. BRADLEY, Mr. SIMON, Mr. WOFFORD, Mr. PELL, Mr. ROCKEFELLER, Mr. HOLLINGS, Mr. BURDICK, Mr. LIEBERMAN, Mr. STEVENS, Mr. CHAFEE, Mr. JEFFORDS, Mr. SYMMS, Mr. WARNER, Mr. MURKOWSKI, Mr. BROWN, Mr. COCHRAN, Mr. SEYMOUR, Mr. BURNS, Mr. GRASSLEY, Mr. THURMOND, and Mr. D'AMATO):

S.J. Res. 229. Joint resolution designating the month of May, 1992, as "National Trauma Awareness Month;" to the Committee on the Judiciary.

NATIONAL TRAUMA AWARENESS MONTH

Mr. BYRD. Mr. President, since 1988, the Senate has passed joint resolutions I have introduced that designated the month of May as "National Trauma Awareness Month."

Today, I am introducing a joint resolution to designate May 1992 as "Trauma Awareness Month." The theme chosen by the American Trauma Society for 1992 is highway trauma. Half of all the incidents of trauma occur on our highways and each year more than 9 million people in the United States suffer some type of traumatic injury. In addition, more than \$148 billion annually is spent on the problem of trauma—\$70 billion of which is spent due to highway trauma.

The death rate from accidental injuries in most rural areas is over twice the rate for the largest cities, and almost two of every three deaths involving motor vehicles occur in rural areas. Factors commonly cited for the high injury death rate in rural areas include transportation difficulties, long response time for emergency personnel, and the lack of integrated trauma systems.

While much has been accomplished to prevent trauma, its incidence continues to rise. The public needs to be aware of the gravity of the traumatic injury problem in the United States.

Trauma is the leading cause of death of persons between the ages of 1 and 40, and the third leading cause of death among people of all ages.

Throughout the country, Trauma Society members have mounted a variety of grassroots programs to heighten the public's awareness of trauma. Many States coordinate activities in conjunction with emergency medical centers.

During the month of May 1992, the American Trauma Society will emphasize seatbelt use, driver safety, and drunk-driving awareness. The American Trauma Society will be working with the National Highway Traffic Safety Administration, State and local government agencies, and private organizations to help in the awareness campaign.

I believe that we must continue to focus the public's attention on ways to prevent trauma and on improvements that can be made in trauma care. I hope that other Senators will join me in cosponsoring my joint resolution to designate May 1992 as "National Trauma Awareness Month."

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. BENTSEN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 4, a bill to amend titles IV, V, and XIX of the Social Security Act to establish innovative child welfare and family support services in order to strengthen families and avoid placement in foster care, to promote the development of comprehensive substance abuse programs for pregnant women and caretaker relatives with children, to provide improved delivery of health care services to low-income children, and for other purposes.

S. 194

At the request of Mr. MCCAIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 194, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 240

At the request of Mrs. KASSEBAUM, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 240, a bill to amend the Federal Aviation Act of 1958 relating to bankruptcy transportation plans.

S. 243

At the request of Mr. DECONCINI, his name was added as a cosponsor of S. 243, a bill to revise and extend the Older Americans Act of 1965, and for other purposes.

At the request of Mr. ADAMS, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from

South Dakota [Mr. PRESSLER] were added as cosponsors of S. 243, supra.

At the request of Mr. REID, his name was added as a cosponsor of S. 243, supra.

At the request of Mr. KASTEN, his name was added as a cosponsor of S. 243, supra.

S. 308

At the request of Mr. DANFORTH, the name of the Senator from Louisiana [Mr. BREAU] was added as a cosponsor of S. 308, a bill to amend the Internal Revenue Code of 1986 to permanently extend the low-income housing credit.

S. 316

At the request of Mr. CRAIG, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 316, a bill to provide for treatment of Federal pay in the same manner as non-Federal pay with respect to garnishment and similar legal process.

S. 392

At the request of Mr. LEVIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 392, a bill to amend chapter 23 of title 5, United States Code, to extend certain protection of the Whistleblower Protection Act of 1989 to personnel of Government corporations.

S. 664

At the request of Mr. THURMOND, the name of the Senator from Hawaii [Mr. INOUE] was added as a cosponsor of S. 664, a bill to require that health warnings be included in alcoholic beverage advertisements, and for other purposes.

S. 788

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 788, a bill to protect the integrity of the Social Security trust funds and reaffirm the firewall established to protect the trust funds by making technical corrections to the firewall procedures.

S. 1200

At the request of Mr. BURNS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1200, a bill to advance the national interest by promoting and encouraging the more rapid development and deployment of a nationwide, advanced, interactive, interoperable, broadband communications infrastructure on or before 2015 and by ensuring the greater availability of, access to, investment in, and use of emerging communications technologies, and for other purposes.

S. 1219

At the request of Mr. BAUCUS, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1219, a bill to enhance the conservation of exotic wild birds.

S. 1372

At the request of Mr. GORE, the names of the Senator from California

[Mr. CRANSTON], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 1372, a bill to amend the Federal Communications Act of 1934 to prevent the loss of existing spectrum to Amateur Radio Service.

S. 1379

At the request of Mr. EXON, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1379, a bill to prohibit the payment of Federal benefits to illegal aliens.

S. 1482

At the request of Mr. DIXON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 1482, a bill to amend the Social Security Act to improve the notice of medicare payment of medicare cost-sharing, and for other purposes.

S. 1498

At the request of Mr. BREAU, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 1498, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the establishment of businesses within Federal military installations which are closed or realigned and for the hiring of individuals laid off by reason of such closings or realignments, and for other purposes.

S. 1603

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 1603, a bill to provide incentives for work, savings, and investments in order to stimulate economic growth, job creation, and opportunity.

S. 1623

At the request of Mr. DECONCINI, the names of the Senator from Vermont [Mr. JEFFORDS] and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of S. 1623, a bill to amend title 17, United States Code, to implement a royalty payment system and a serial copy management system for digital audio recording, to prohibit certain copyright infringement actions, and for other purposes.

S. 1627

At the request of Mr. FORD, the names of the Senator from North Carolina [Mr. SANFORD] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1627, a bill to amend section 615 of title 38, United States Code, to require the Secretary of Veterans Affairs to permit persons who receive care at medical facilities of the Department of Veterans Affairs to have access to and to consume tobacco products.

S. 1677

At the request of Mr. DASCHLE, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 1677, a bill to amend title XIX of the Social

Security Act to provide for coverage of alcoholism and drug dependency residential treatment services for pregnant women and certain family members under the medicaid program, and for other purposes.

S. 1736

At the request of Mr. SASSER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1736, a bill to amend title XVIII of the Social Security Act to provide for improved quality and cost control mechanisms to ensure the proper and prudent purchasing of durable medical equipment and supplies for which payment is made under the medicare program, and for other purposes.

S. 1738

At the request of Mr. DASCHLE, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1738, a bill to prohibit imports into the United States of meat products from the European Community until certain unfair trade barriers are removed, and for other purposes.

S. 1810

At the request of Mr. DURENBERGER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1810, a bill to amend title XVIII of the Social Security Act to provide for corrections with respect to the implementation of reform of payments to physicians under the medicare program, and for other purposes.

S. 1817

At the request of Mr. LAUTENBERG, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Illinois [Mr. SIMON], the Senator from New Mexico [Mr. DOMENICI], the Senator from New York [Mr. D'AMATO], the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 1817, a bill to amend the Trade Act of 1974 to require the National Trade Estimate include information regarding the impact of Arab boycotts on certain United States businesses.

S. 1845

At the request of Mr. SIMON, the name of the Senator from Georgia [Mr. FOWLER] was added as a cosponsor of S. 1845, a bill to ensure that all Americans have the opportunity for a higher education.

S. 1894

At the request of Mr. ROTH, the names of the Senator from Minnesota [Mr. DURENBERGER] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1894, a bill to amend the Trade Act of 1974 to provide trade adjustment assistance during the implementation and phase-in of the North American Free Trade Agreement, and for other purposes.

S. 1902

At the request of Mr. ADAMS, the name of the Senator from Illinois [Mr.

SIMON] was added as a cosponsor of S. 1902, a bill to amend title IV of the Public Health Service Act to require certain review and recommendations concerning applications for assistance to perform research and to permit certain research concerning the transplantation of human fetal tissue for therapeutic purposes, and for other purposes.

S. 1912

At the request of Mr. DOMENICI, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1912, a bill to amend the Public Health Service Act and the Social Security Act to increase the availability of primary and preventive health care, and for other purposes.

S. 1921

At the request of Mr. ROTH, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1921, a bill to amend the Internal Revenue Code of 1986 to allow a \$300 tax credit for children, to expand the use of individual retirement accounts, and for other purposes.

S. 1932

At the request of Mr. BUMPERS, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1932, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in start-up and other small enterprises.

S. 1943

At the request of Mr. RIEGLE, the name of the Senator from North Carolina [Mr. SANFORD] was added as a cosponsor of S. 1943, a bill to reform the Resolution Trust Corporation.

SENATE JOINT RESOLUTION 226

At the request of Mr. DODD, the names of the Senator from New York [Mr. D'AMATO], the Senator from Michigan [Mr. LEVIN], the Senator from North Dakota [Mr. BURDICK], the Senator from Rhode Island [Mr. PELL], and the Senator from Illinois [Mr. SIMON] were added as cosponsors of Senate Joint Resolution 226, a joint resolution designating the week of January 4, 1992, through January 10, 1992, as "Braille Literacy Week."

SENATE CONCURRENT RESOLUTION 57

At the request of Mr. DOMENICI, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Concurrent Resolution 57, a concurrent resolution to establish a Joint Committee on the Organization of Congress.

SENATE CONCURRENT RESOLUTION 65

At the request of Mr. DECONCINI, the names of the Senator from Wisconsin [Mr. KASTEN], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Concurrent Resolution 65, a concurrent resolution to express the sense of the Con-

gress that the President should recognize Ukraine's independence.

SENATE RESOLUTION 184

At the request of Mr. DIXON, the names of the Senator from California [Mr. CRANSTON], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Indiana [Mr. COATS], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Senate Resolution 184, a resolution to recommend that medical health insurance plans provide coverage for periodic mammography screening services.

SENATE RESOLUTION 196

At the request of Mr. HATCH, the names of the Senator from Washington [Mr. ADAMS] and the Senator from Illinois [Mr. DIXON] were added as cosponsors of Senate Resolution 196, a resolution expressing the sense of the Senate that the Soviet Union should immediately begin a prompt withdrawal of Soviet Armed Forces from the Baltic States and undertake discussions with the governments of Lithuania, Latvia, and Estonia appropriate to facilitate that withdrawal.

SENATE RESOLUTION 213

At the request of Mr. GORE, the names of the Senator from Washington [Mr. ADAMS], and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Senate Resolution 213, a resolution expressing the sense of the Senate regarding United States policy toward Yugoslavia.

SENATE CONCURRENT RESOLUTION 76—RELATING TO DEMOCRACY IN ARMENIA

Mr. LIEBERMAN submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 76

Whereas, in February 1988, the Armenian people engaged in mass public protests against their oppressive communist government, thereby creating a model for other anti-communist protest movements throughout Eastern Europe and the Soviet Union;

Whereas the Armenian protests and similar protests throughout Eastern Europe and the Soviet Union have caused the communist system to collapse and led to the liberation of millions of people;

Whereas the Armenian people yearn for and are striving for the establishment of democracy and a free-market economic system in their country;

Whereas, on September 21, 1991, in a national referendum held in compliance with the Soviet constitution and monitored by international observers, the people of the Armenian republic voted overwhelmingly for independence from the Union of Soviet Socialist Republics;

Whereas, on October 16, 1991, the Republic of Armenia held its first multiparty presidential election selecting Levon Ter-Petrosian, a former political prisoner, as its first president; and

Whereas these elections have been recognized as being free and fair: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) congratulates President Levon Ter-Petrosian for becoming the first democratically elected president of the independent Republic of Armenia;

(2) commends the people of Armenia for successfully executing Armenia's first free, fair, and democratic presidential election and encourages them to continue their course towards democracy and free-market economics; and

(3) urges the President of the United States to recognize Armenia's declaration of independence, extend full diplomatic recognition to the independent Republic of Armenia, and support Armenia's application to join international organizations, including the United Nations and the Conference on Security and Cooperation in Europe.

• Mr. LIEBERMAN. Mr. President, historians may well say that the collapse of communism in the Soviet bloc began not in the heart of Russia or Central Europe, but in Armenia. In February 1988, the Armenian people engaged in a courageous protest against the corrupt Communist regime that had been imposed on them by the Kremlin. This revolt against Communist rule in the USSR served as a model and inspiration for the uprisings that took place in Central Europe later in the year.

Having inspired the people of Central Europe, the people of Armenia were emboldened in turn by the collapse of the Berlin Wall. In August, 1990, Armenia's democratically elected parliament passed a declaration of its intent to become independent; in September 1991, the Republic voted overwhelmingly to become independent; and on October 16, Levon Ter-Petrosian was elected President with 83 percent of the vote. Observers from the Conference on Security and Cooperation in Europe praised these elections.

President Ter-Petrosian deserves not only our admiration, but our support. He has adopted a path of moderation and cooperation with the Soviet authorities. Under his leadership, Armenia has been the only Republic to follow the complex procedure for secession that was set forth by President Gorbachev. Armenia has also decided recently to join the newly established Soviet economic community. As Ter-Petrosian stated before the Armenian parliament, Armenia will pursue "complete political independence," in addition to "the maximum participation in all constructive processes" going on in the former Soviet Union. President Ter-Petrosian has also played a constructive role in the negotiations over the status of Nagorno-Karabakh.

At the same time, President Ter-Petrosian recognizes that the Soviet Union cannot be put back together again. If individual republics want full sovereignty, as Armenia does, neither the Soviet central authorities nor the international community should stand in its way.

Mr. President, given our belief in democracy and self-government, the manifest desire of the Armenian people to be independent, and the responsible policies of President Ter-Petrosian, I am introducing a resolution today, with Senator PRESSLER and Senator SIMON, which expresses the sense of the Senate that the U.S. Government should extend formal diplomatic recognition to the Republic of Armenia and support its application to join international organizations, including the United Nations and the Conference on Security and Cooperation in Europe.

The Armenian people deserve such recognition. Their march toward independence demonstrates that they are as dedicated to freedom as any of the peoples of the former Soviet Union. This dedication and sense of purpose has existed for centuries. It survived their long and lonely period of suffering as involuntary members of the Czarist, Ottoman, and Communist empires, including the horrors and genocide that were visited upon them during World War I. We owe this courageous people our support, admiration, and diplomatic recognition. ●

SENATE RESOLUTION 218—RELATIVE TO THE APPROVAL PROCESS FOR EXPERIMENTAL DRUGS

Mr. MACK (for himself and Mr. McCAIN) submitted the following resolution; which was referred to the Committee on Labor and Human Resources.
S. RES. 218

Whereas there are numerous experimental pharmaceutical therapies under review by the Food and Drug Administration [FDA] to treat Cancer, Acquired Immune Deficiency Syndrome [AIDS], Alzheimers' Disease, Parkinson's Disease, and other life-threatening illnesses;

Whereas many experimental new drugs will never be introduced into the market due, in part, to the process by which the Food and Drug Administration approves new drugs;

Whereas it takes an average of 10 years to bring a new drug from the laboratory to the pharmacy;

Whereas the National Commission on AIDS recently called of FDA to "aggressively pursue all options for permitting the use of promising new therapies for conditions which there is no standard therapy, or for patients who have failed or are intolerant of standard therapy";

Whereas the current process of clinical trials of new drugs is limited to small patient populations;

Whereas many Americans are so desperate for access to experimental drugs that the deplorable situation has arisen in the United States of America of underground networks copying and distributing drugs awaiting FDA approval;

Whereas a poll conducted by the Gallup Organization revealed an overwhelming 70 percent believe FDA should move more quickly in approving new drugs: Now, therefore, be it Resolved by the Senate, It is the Sense of the Senate that—

The FDA is to be commended for its November 7, 1991 announcement of its intent to propose changes to the new drug approval process;

The FDA should continue to extensively review the process by which new drugs receive FDA approval;

The FDA should revise the new drug approval process to incorporate a means by which new drugs will receive FDA approval in a more timely, yet medically safe, manner;

The FDA should revise the approval process to incorporate a means by which all terminally ill patients, following consultation with and approval from their physicians, may have access to experimental drugs awaiting FDA approval.

Mr. MACK. Mr. President, the news that Earvin "Magic" Johnson has contracted the HIV virus has renewed concerns over the extensive Government regulation involved in approving life-saving pharmaceutical drugs. Many advances have been made in recent years by America's pharmaceutical industry. However, the new drug approval process destroys the hopes of millions of Americans with life-threatening diseases who must have the right to use drugs that could save their lives without government overregulation.

The American people are tired of placing their lives and the lives of loved ones on hold while the Federal Government decides for someone else whether a drug should be used. A recent poll conducted by the Gallup organization found that 70 percent of those surveyed believe the Federal Government should move more quickly in approving new drugs.

The elections last Tuesday sent a clear message that the American people are tired of business as usual—they're tired of being held down by Government regulation—they're tired of Government intervention in their lives. That includes the overregulated process of drug approval.

For terminally ill Americans—those with AIDS, Alzheimer's disease, or cancer—the drug approval process is cruel and should be an outrage to us all. Many new drugs have been developed to help treat life-threatening diseases, but many will never make it to the shelf of their neighborhood pharmacy partly because the Food and Drug Administration places layers and layers of bureaucracy on the approval process.

The hopes of terminally ill Americans are often tied to a chance that a new drug may be available to restore their health in some small way.

And on a personal note, in 1979, as I had mentioned on this floor before, a younger brother of mine died of cancer. It was a process that engulfed his life for a period of 12 years, and at many different stages during that process I must say, as a loving brother—and I can speak for the members of my family—of the pain and the anguish that we felt as a result of not being able to reach out and use different experimental drugs instead, we were told, in essence, that your terminally ill brother cannot use this particular medication because it might kill him. I think

this is a message the people of this country just will not accept. They are really demanding the Government to make a change in the new drug approval process so those who are terminally ill will have the opportunity, and hope that this new drug might make a difference for them.

As a result of those feelings, I shall introduce legislation today, along with Senator McCAIN. It is a sense-of-the-Senate resolution that:

First, the FDA is to be commended for its November 7, 1991, announcement of its intent to propose changes to the new drug approval process;

Second, the FDA should continue to extensively review the process by which new drugs receive FDA approval;

Third, the FDA should revise the new drug approval process to incorporate a means by which new drugs will receive FDA approval in a more timely, yet medically safe, manner;

Fourth, the FDA should revise the approval process to incorporate a means by which all terminally ill patients, following consultation with and approval from their physicians, may have access to experimental drugs awaiting FDA approval.

Mr. President, FDA Commissioner David Kessler has bypassed the lengthy process on some occasions. That is good. But the system is flawed and needs to be reworked.

Let us listen to the American people and find a system that works to restore the hopes of terminally ill Americans and get the Government to end this cold-hearted process that keeps potentially life-saving drugs away from those who have nothing to lose and maybe everything to gain.

AMENDMENTS SUBMITTED

OLDER AMERICANS ACT REAUTHORIZATION

COCHRAN (AND OTHERS) AMENDMENT NO. 1312

Mr. COCHRAN (for himself, Mr. HATCH, Mr. DURENBERGER, Mr. DOMENICI, Mr. JEFFORDS, and Mr. NICKLES) proposed an amendment to the bill (S. 243) to revise and extend the Older Americans Act of 1965, and for other purposes, as follows:

Strike all of title VII and redesignate accordingly.

COCHRAN (AND OTHERS) AMENDMENT NO. 1313

Mr. COCHRAN (for himself, Mr. HATCH, Mr. DURENBERGER, and Mr. DOMENICI) proposed an amendment to amendment No. 1312 proposed by Mr. COCHRAN (and others) to the bill S. 243, supra, as follows:

Strike section 702 and all that follows through section 712.

**MCCAIN (AND OTHERS)
AMENDMENT NO. 1314**

Mr. MCCAIN (for himself, Mr. MACK, Mr. LOTT, Mr. PRESSLER, Mr. BRYAN, Mr. NICKLES, Mr. HATCH, Mr. KASTEN, Mr. HEFLIN, Mr. GRAHAM, Mr. REID, Mr. SMITH, Mr. WARNER, Mr. GRASSLEY, Mr. THURMOND, Mr. D'AMATO, and Mr. GORTON) proposed an amendment to the bill S. 243, supra, as follows:

At the appropriate place, add the following:

**TITLE —SOCIAL SECURITY EARNINGS
TEST ELIMINATED**

SEC. . SHORT TITLE.

This title may be cited as the "Older Americans' Freedom to Work Act of 1990".

SEC. . ELIMINATION OF EARNINGS TEST FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

Section 203 of the Social Security Act is amended—

(1) in paragraph (1) of subsection (c) and paragraphs (1)(A) and (2) of subsection (d), by striking "the age of seventy" and inserting "retirement age (as defined in section 216(1))";

(2) in subsection (f)(1)(B), by striking "was age seventy or over" and inserting "was at or above retirement age (as defined in section 216(1))";

(3) in subsection (f)(3), by striking "33½ percent" and all that follows through "any other individual," and inserting "50 percent of such individual's earnings for such year in excess of the product of the exempt amount as determined under paragraph (8)," and by striking "age 70" and inserting "retirement age (as defined in section 216(1))";

(4) in subsection (h)(1)(A), by striking "age 70" each place it appears and inserting "retirement age (as defined in section 216(1))"; and

(5) in subsection (j), by striking "Age Seventy" in the heading and inserting "Retirement Age", and by striking "seventy years of age" and inserting "having attained retirement age (as defined in section 216(1))".

SEC. . CONFORMING AMENDMENTS ELIMINATING THE SPECIAL EXEMPT AMOUNT FOR INDIVIDUALS WHO HAVE ATTAINED RETIREMENT AGE.

(a) **UNIFORM EXEMPT AMOUNT.**—Section 203(f)(8)(A) of the Social Security Act is amended by striking "the new exempt amounts (separately stated for individuals described in subparagraph (D) and for other individuals) which are to be applicable" and inserting "a new exempt amount which shall be applicable".

(b) **CONFORMING AMENDMENTS.**—Section 203(f)(8)(B) of such Act is amended—

(1) in the matter preceding clause (i), by striking "Except" and all that follows through "whichever" and inserting "The exempt amount which is applicable for each month of a particular taxable year shall be whichever";

(2) in clause (i), by striking "corresponding"; and

(3) in the last sentence, by striking "an exempt amount" and inserting "the exempt amount".

(c) **REPEAL OF BASIS FOR COMPUTATION OF SPECIAL EXEMPT AMOUNT.**—Section 203(f)(8)(D) of such Act is repealed.

SEC. . ADDITIONAL CONFORMING AMENDMENTS.

(a) **ELIMINATION OF REDUNDANT REFERENCES TO RETIREMENT ACT.**—Section 203 of the Social Security Act is amended—

(1) in the last sentence of subsection (c), by striking "nor shall any deduction" and all

that follows and inserting "nor shall any deduction be made under this subsection from any widow's or widower's insurance benefit if the widow, surviving divorced wife, widower, or surviving divorced husband involved became entitled to such benefit prior to attaining age 60."; and

(2) in subsection (f)(1), by striking clause (D) and inserting the following: "(D) for which such individual is entitled to widow's or widower's insurance benefits if such individual became so entitled prior to attaining age 60, or";

(b) **CONFORMING AMENDMENT TO PROVISIONS FOR DETERMINING AMOUNT OF INCREASE ON ACCOUNT OF DELAYED RETIREMENT.**—Section 202(w)(2)(B)(ii) of such Act is amended—

(1) by striking "either"; and

(2) by striking "or suffered deductions under section 203(b) or 203(c) in amounts equal to the amount of such benefit".

(c) **CONTINUED APPLICATION OF RULE GOVERNING ENTITLEMENT OF BLIND BENEFICIARIES.**—The second sentence of section 223(d)(4) of such Act is amended by inserting after "subparagraph (D) thereof" where it first appears the following: "(or would be applicable to such individuals but for the amendment made by the Older Americans' Freedom to Work Act of 1991)".

SEC. . EFFECTIVE DATE.

The amendments made by this Act shall apply only with respect to taxable years beginning after December 31, 1991.

**BROWN (AND OTHERS)
AMENDMENT NO. 1315**

Mr. BROWN (for himself, Mr. MCCAIN, Mr. COATS, Mr. JEFFORDS, Mr. PRYOR, Mr. LAUTENBERG, and Mr. GRAHAM) proposed an amendment to the bill S. 243, supra, as follows:

At the end of title VII, add the following new section:

SEC. . OPERATION OF MEDICARE HOTLINES.

From amounts appropriated for HCFA Medicare contractors the Secretary of Health and Human Services shall continue to operate the beneficiaries toll free telephone lines under section 1889 of the Social Security Act (42 U.S.C. 1395zz) at the same level and in the same manner as such lines were operated prior to July 1, 1991, and shall reinstate reimbursement to carriers for the operation and maintenance of provider toll free telephone lines at the same level of service and in the same manner as such lines were operated prior to July 1, 1991.

**BINGAMAN (AND DOMENICI)
AMENDMENT NO. 1316**

Mr. ADAMS (for Mr. BINGAMAN, for himself and Mr. DOMENICI) proposed an amendment to the bill S. 243, supra, as follows:

Strike section 601 of the amendment and insert the following:

SEC. 601. VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES.

The Act (42 U.S.C. 3001 et seq.) is amended by adding at the end the following new title:

"TITLE VII—GRANTS FOR VULNERABLE ELDER RIGHTS PROTECTION ACTIVITIES

"PART A—GENERAL PROVISIONS

"SUBPART 1—GENERAL STATE PROVISIONS

"SEC. 701. ESTABLISHMENT.

"The Commissioner, acting through the Administration, shall establish and carry out a program for making allotments to

States to pay for the Federal share of carrying out the elder rights activities described in parts B through E.

"SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

"(a) **OMBUDSMAN PROGRAM.**—There are authorized to be appropriated to carry out part B, in accordance with this subpart, \$20,000,000 for fiscal year 1992, \$21,000,000 for fiscal year 1993, \$22,050,000 for fiscal year 1994, and \$23,150,000 for fiscal year 1995.

"(b) **PREVENTION OF ABUSE, NEGLECT, AND EXPLOITATION OF OLDER INDIVIDUALS.**—There are authorized to be appropriated to carry out part C, in accordance with this subpart, \$10,000,000 for fiscal year 1992, \$10,500,000 for fiscal year 1993, \$11,020,000 for fiscal year 1994, and \$11,570,000 for fiscal year 1995.

"(c) **STATE ELDER RIGHTS AND LEGAL ASSISTANCE DEVELOPMENT PROGRAM.**—There are authorized to be appropriated to carry out part D, in accordance with this subpart, \$10,000,000 for fiscal year 1992, \$10,500,000 for fiscal year 1993, \$11,020,000 for fiscal year 1994, and \$11,570,000 for fiscal year 1995.

"(d) **OUTREACH, COUNSELING, AND ASSISTANCE PROGRAM.**—There are authorized to be appropriated to carry out part E, in accordance with this subpart, \$15,000,000 for fiscal year 1992, \$15,750,000 for fiscal year 1993, \$16,540,000 for fiscal year 1994, and \$17,360,000 for fiscal year 1995.

"SEC. 703. ALLOTMENT.

"(a) **IN GENERAL.**—

"(1) **POPULATION.**—In carrying out the program described in section 701, the Commissioner shall initially allot to each State, from the funds appropriated under section 702 for each fiscal year, an amount that bears the same ratio to the funds as the population age 60 and older in the State bears to the population age 60 and older in all States.

"(2) **MINIMUM ALLOTMENTS.**—

"(A) **IN GENERAL.**—After making the initial allotments described in paragraph (1), the Commissioner shall adjust the allotments in accordance with subparagraphs (B) and (C).

"(B) **GENERAL MINIMUM ALLOTMENTS.**—

"(i) **MINIMUM ALLOTMENT FOR STATES.**—No State shall be allotted less than one-half of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made.

"(ii) **MINIMUM ALLOTMENT FOR TERRITORIES.**—Guam, the Virgin Islands, and the Trust Territory of the Pacific Islands, shall each be allotted not less than one-fourth of 1 percent of the funds appropriated under section 702 for the fiscal year for which the determination is made. American Samoa and the Commonwealth of the Northern Mariana Islands shall each be allotted not less than one-sixteenth of 1 percent of the sum appropriated under section 702 for the fiscal year for which the determination is made.

"(C) **MINIMUM ALLOTMENTS FOR OMBUDSMAN AND ELDER ABUSE PROGRAMS.**—

"(i) **OMBUDSMAN PROGRAM.**—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(a), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out the State Long-Term Care Ombudsman program under title III.

"(ii) **ELDER ABUSE PROGRAMS.**—No State shall be allotted for a fiscal year, from the funds appropriated under section 702(b), less than the amount allotted to the State under section 304 in fiscal year 1991 to carry out programs with respect to the prevention of abuse, neglect, and exploitation of older individuals under title III.

"(D) **DEFINITION.**—For the purposes of this paragraph, the term "State" does not include Guam, American Samoa, the Virgin Islands,

the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.

"(b) REALLOTMENT.—

"(1) IN GENERAL.—If the Commissioner determines that any amount allotted to a State for a fiscal year under this section will not be used by the State for carrying out the purpose for which the allotment was made, the Commissioner shall make the amount available to a State that the Commissioner determines will be able to use the amount for carrying out the purpose.

"(2) AVAILABILITY.—Any amount made available to a State from an appropriation for a fiscal year in accordance with paragraph (1) shall, for purposes of this subpart, be regarded as part of the allotment of the State (as determined under subsection (a)) for the year, but shall remain available until the end of the succeeding fiscal year.

"(c) WITHHOLDING.—If the Commissioner finds that any State has failed to qualify under the State plan requirements of section 705, the Commissioner shall withhold the allotment of funds to the State. The Commissioner shall disburse the funds withheld directly to any public or private nonprofit institution or organization, agency, or political subdivision of the State submitting an approved plan under section 705, which includes an agreement that any such payment shall be matched, in the proportion determined under subsection (d) for the State, by funds or in-kind resources from non-Federal sources.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—The Federal share of the costs of carrying out the elder rights activities described in parts B through E is 85 percent.

"(2) NON-FEDERAL SHARE.—The non-Federal share of the costs shall be in cash or in kind. In determining the amount of the non-Federal share, the Commissioner may attribute fair market value to services and facilities contributed from non-Federal sources.

"SEC. 704. ORGANIZATION.

"In order for a State to be eligible to receive allotments under this subpart—

"(1) the State shall demonstrate eligibility under section 305;

"(2) the State agency designated by the State shall demonstrate compliance with the applicable requirements of section 305; and

"(3) any area agency on aging designated by the State agency and participating in such a program shall demonstrate compliance with the applicable requirements of section 305.

"SEC. 705. STATE PLAN.

"(a) ELIGIBILITY.—In order to be eligible to receive allotments under this subpart, a State shall submit a State plan to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require. At a minimum, the State plan shall contain—

"(1) an assurance that the State, in carrying out any part of this title for which the State receives funding under this subpart, will establish programs in accordance with the requirements of this title;

"(2) an assurance that the State will hold public hearings, and use other means, to obtain the views of older individuals, area agencies on aging, and other interested parties regarding programs carried out under this title;

"(3) an assurance that the State has submitted, or will submit, a State plan in accordance with section 307;

"(4) an assurance that the State, in consultation with area agencies on aging, will

identify and prioritize statewide activities aimed at ensuring that older individuals have access to, and assistance in securing and maintaining, benefits and rights;

"(5) an assurance that the State will use funds made available under this subpart for a part in addition to, and will not supplant, any funds that are expended under any Federal or State law in existence on the day before the date of the enactment of this title, to carry out the elder rights activities described in the part;

"(6) an assurance that the State agrees to pay, with non-Federal funds, 15 percent of the cost of the carrying out each part of this title; and

"(7) an assurance that the State will place no restrictions, other than the requirements specified in section 712(a)(5)(C), on the eligibility of agencies or organizations for designation as local Ombudsman entities under section 712(a)(5).

"(b) APPROVAL.—The Commissioner shall approve any State plan that the Commissioner finds fulfills the requirements of subsection (a).

"(c) NOTICE AND OPPORTUNITY FOR HEARING.—The Commissioner shall not make a final determination disapproving any State plan, or any modification of the plan, or make a final determination that a State is ineligible under section 704, without first affording the State reasonable notice and opportunity for a hearing.

"(d) NONELIGIBILITY OR NONCOMPLIANCE.—

"(1) FINDING.—The Commissioner shall take the action described in paragraph (2) if the Commissioner, after reasonable notice and opportunity for a hearing to the State agency, finds that—

"(A) the State is not eligible under section 704;

"(B) the State plan has been so changed that the plan no longer complies substantially with the provisions of subsection (a); or

"(C) in the administration of the plan there is a failure to comply substantially with a provision of subsection (a).

"(2) WITHHOLDING AND LIMITATION.—If the Commissioner makes the finding described in paragraph (1) with respect to a State agency, the Commissioner shall notify the State agency, and shall—

"(A) withhold further payments to the State from the allotments of the State under section 703; or

"(B) in the discretion of the Commissioner, limit further payments to the State to projects under or portions of the State plan not affected by the ineligibility or non-compliance, until the Commissioner is satisfied that the State will no longer be ineligible or fail to comply.

"(3) DISBURSEMENT.—The Commissioner shall, in accordance with regulations prescribed by the Commissioner, disburse funds withheld or limited under paragraph (2) directly to any public or nonprofit private organization or agency or political subdivision of the State that submits an approved plan in accordance with the provisions of this section. Any such payment shall be matched in the proportions specified in section 703(d).

"(e) APPEAL.—

"(1) FILING.—

"(A) IN GENERAL.—A State that is dissatisfied with a final action of the Commissioner under subsection (b), (c), or (d) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with the court not later than 30 days after the final action. A copy of the petition shall be transmitted by the clerk of

the court to the Commissioner, or any officer designated by the Commissioner for the purpose.

"(B) RECORD.—On receipt of the petition, the Commissioner shall file in the court the record of the proceedings on which the action of the Commissioner is based, as provided in section 2112 of title 28, United States Code.

"(2) PROCEDURE.—

"(A) REMEDY.—On the filing of a petition under paragraph (1), the court described in paragraph (1) shall have jurisdiction to affirm the action of the Commissioner or to set the action aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Commissioner may modify or set aside the order of the Commissioner.

"(B) SCOPE OF REVIEW.—The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence. If the court remands the case, the Commissioner shall, within 30 days, file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(C) FINALITY.—The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(3) STAY.—The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the action of the Commissioner.

"(f) PRIVILEGE.—Neither a State, nor a State agency, may require any provider of legal assistance under this title to reveal any information that is protected by the attorney-client privilege.

"Subpart 2—General Native American Organization Provisions

"SEC. 706. NATIVE AMERICAN PROGRAM.

"(a) ESTABLISHMENT.—The Commissioner, acting through the Associate Commissioner on American Indian, Alaskan Native, and Native Hawaiian Aging, shall establish and carry out a program for—

"(1) assisting eligible entities in prioritizing, on a continuing basis, the elder rights needs of the service population of the entities; and

"(2) making grants to eligible entities to carry out the elder rights activities described in parts B through E that the entities have determined to be priorities.

"(b) APPLICATION.—In order to be eligible to receive assistance under this subpart, an entity shall submit an application to the Commissioner, at such time, in such manner, and containing such information as the Commissioner may require.

"(c) ELIGIBLE ENTITY.—An entity eligible to receive assistance under this section shall be—

"(1) an Indian tribe; or

"(2) a public agency, or a nonprofit organization, serving older Native Americans.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, \$5,000,000 for fiscal year 1992, \$5,250,000 for fiscal year 1993, \$5,510,000 for fiscal year 1994, and \$5,785,000 for fiscal year 1995.

"(e) DEFINITION.—As used in parts B through E, with respect to an activity carried out with assistance made available under this section, the term 'State' or 'State

agency' includes an eligible entity described in subsections (c).

"Subpart 3—Administrative Provisions

"SEC. 707. ADMINISTRATION.

"(a) AGREEMENTS.—In carrying out the elder rights activities described in parts B through E, a State agency, or an eligible entity described in section 706(c), may, either directly or through a contract or agreement, enter into agreements with public or private nonprofit agencies or organizations, such as—

"(1) other State agencies;

"(2) area agencies on aging;

"(3) county governments;

"(4) universities and colleges;

"(5) Indian tribes; and

"(6) other statewide or local nonprofit service providers or volunteer organizations.

"(b) TECHNICAL ASSISTANCE.—

"(1) OTHER AGENCIES.—In carrying out the provisions of this title, the Commissioner may request the technical assistance and co-operation of such agencies and departments of the Federal Government as may be appropriate.

"(2) COMMISSIONER.—The Commissioner shall provide technical assistance and training (by contract, grant, or otherwise) to programs established under this title and to individuals designated under the programs to be representatives of the programs.

"SEC. 708. AUDITS.

"(a) ACCESS.—The Commissioner and the Comptroller General of the United States and any of the duly authorized representatives of the Commissioner or the Comptroller shall have access, for the purpose of conducting an audit or examination, to any books, documents, papers, and records that are pertinent to a grant or contract received under this title.

"(b) LIMITATION.—State agencies, area agencies on aging, and eligible entities described in section 706(c) shall not request information or data from providers that is not pertinent to services furnished in accordance with this title or a payment made for the services."

DOLE AMENDMENT NO. 1317

Mr. COCHRAN (for Mr. DOLE) proposed an amendment to the bill S. 243, supra, as follows:

In section 403 of the amendment, insert "(a) IN GENERAL.—" before "Section 411(a)".

At the end of section 403 of the amendment, add the following new subsection:

(b) TRAINING FOR PROFESSIONAL AND SERVICE PROVIDERS.—Section 411 is amended by adding at the end the following new subsection:

"(e) Of the amounts made available under section 431(a)(1) for each fiscal year, \$450,000 shall be used for making grants and entering into contracts under this part to establish and carry out 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 subparagraph (a);

"(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."

LEVIN AMENDMENT NO. 1318

Mr. LEVIN proposed an amendment to the bill S. 243, supra, as follows:

In the appropriate place in the bill insert the following new section:

SEC. . Amend section 105 of the Older Workers Benefit Protection Act (P.L. 101-433) by striking the semicolon at the end of paragraph (b)(1) and inserting thereafter the following: "; or that is a result of pattern collective bargaining in an industry where the agreement setting the pattern was ratified after September 20, 1990, but prior to the date of enactment, and the final agreement in the industry adhering to the pattern was ratified after the date of enactment, but not later than November 20, 1990;".

SEYMOUR AMENDMENT NO. 1319

Mr. SEYMOUR proposed an amendment to the bill S. 243, supra, as follows:

An amendment to title VI, part D, section 731(b)(2), add (D) capacity to promote financial management services for older individuals at risk of conservatorship;

NOTICES OF HEARINGS

SUBCOMMITTEE ON CONSERVATION AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry's Subcommittee on Conservation and Forestry will hold a hearing on S. 767/H.R. 35 the Western North Carolina Wilderness Protection Act of 1991 and draft legislation entitled "the Chattahoochee Forest Protection Act of 1991." The hearing will be held on Thursday, November 14, 1991, at 9:30 a.m. in SR-332. Senator WYCHE FOWLER will preside.

For further information please contact Woody Vaughan at 224-5207.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I wish to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold a hearing on Thursday, November 14, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, on "Healthy Schools, Healthy Children, Healthy Futures: The Federal Government's Role in Promoting Child Health Through the Schools."

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry, hold a hearing on jobs and rural America, Wednesday, November 20, 1991, at 10 a.m., in SR-332.

For further information please call Suzanne Smith of the committee staff at 224-2035.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Tuesday, November 19, 1991, at 9:30 a.m., to receive testimony on Senate Concurrent Resolution 57, to establish a Joint Committee on the Organization of the Congress.

Senators and Congressmen wishing to testify or submit a statement for the hearing record are requested to have their staffs contact Carole Blessington of the Rules Committee staff on 224-0278. Individuals and organizations interested in providing testimony or a statement are also requested to contact Ms. Blessington.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 12, at 10 a.m. to hold a nomination hearing.

Nominees:

Mr. John Kenneth Blackwell, of Ohio, for the rank of Ambassador during his tenure of service as U.S. Representative on the Human Rights Commission of the Economic and Social Council of the United Nations;

Mr. A. Peter Burleigh, of California, for the rank of Ambassador during his tenure of service as Coordinator for Counter-Terrorism;

Mr. John Condayan, of Virginia, to be an Associate Director of the U.S. Information Agency; and

Mr. John Giffen Weinmann, of Louisiana, for the rank of Ambassador during his tenure of service as Chief of Protocol for the White House.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 12, at 4 p.m. to hold a nomination hearing.

Nominees:

Mr. Mark McCampbell Collins, Jr., of the District of Columbia, to be U.S. Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

To be Assistant Administrators of the Agency for International Development:

Mr. Reginald J. Brown, of Virginia; Mr. Andrew S. Natsios, of Massachusetts; and

Ms. Henrietta Holsman Fore, of California.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Commit-

tee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, November 12, at 2 p.m. to hold an ambassadorial nomination hearing.

Nominee:

Mr. William Caldwell Harrop, of New Jersey, to be Ambassador to Israel.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, November 12, 1991, at 10 a.m., to hold a hearing on "protecting children in day care".

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, November 12, 1991, at 3:30 p.m. to hold a closed conference with the House Intelligence Committee on the fiscal year 1992 intelligence authorization bill.

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

COMMITTEE ON THE JUDICIARY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, November 12, 1991, at 2 p.m., to hold a hearing on the nomination of William Barr to be Attorney General of the United States.

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

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Subcommittee on International Finance and Monetary Policy of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate, Tuesday, November 12, 1991, at 10 a.m., to conduct a hearing on the Treasury report on exchange rates and international monetary policy.

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

COMMITTEE ON ARMED SERVICES

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, November 12, 1991, at 2:30 p.m., in open session, to consider the following nominees to be judges on the U.S. Court of Military Appeals: the Honorable Susan J. Crawford, Justice Herman F. Gierke, and Mr. Robert Wiss; and to consider the nomination of Maj. Gen. James R. Clapper, USAF, to be the Director of the Defense Intelligence Agency.

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

ADDITIONAL STATEMENTS

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, PERMITTING ACCEPTANCE OF A GIFT OF EDUCATIONAL TRAVEL FROM A FOREIGN ORGANIZATION

• Mr. SANFORD. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35 for James M. Bodner, a member of the staff of Senator COHEN, to participate in a program in Germany sponsored by the Konrad Adenauer Foundation on November 9-16, 1991.

The committee had determined that participation by Mr. Bodner in this program, at the expense of the Konrad Adenauer Foundation is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Lori Nirenberg, a member of the staff of Senator WARNER, to participate in a program in Germany sponsored by the Konrad Adenauer Foundation on November 9-16, 1991.

The committee has determined that participation by Ms. Nirenberg in this program, at the expense of the Konrad Adenauer Foundation is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for John Trasvina, a member of the staff of Senator SIMON, to participate in a program in Mexico sponsored by the Mexican Business Coordinating Council, Consejo Coordinador Empresarial [CCE] on December 8-11, 1991.

The committee has determined that participation by Mr. Trasvina in this program, at the expense of the Mexican Business Coordinating Council is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Francesca Turchi, a member of the staff of Senator RIEGLE, to participate in a program in Germany sponsored by the Konrad Adenauer Foundation on November 9-16, 1991.

The committee has determined that participation by Ms. Turchi in this program, at the expense of the Konrad Adenauer Foundation is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Dr. Robert McArthur, a member

of the staff of Senator COCHRAN, to participate in a program in China sponsored by the United States-Asia Institute and the Embassy of the People's Republic of China on November 30 to December 15, 1991.

The committee has determined that participation by Mr. McArthur in this program, at the expense of the United States-Asia Institute and the Embassy of the People's Republic of China is in the interest of the Senate and the United States.

The select committee has received a request for a determination under rule 35 for Kevin V. Schieffer, a member of the staff of Senator PRESSLER, to participate in a program in Germany, sponsored by the Konrad Adenauer Foundation, from November 9-16, 1991.

The committee has determined that participation by Mr. Schieffer in this program, at the expense of the Konrad Adenauer Foundation, is in the interest of the Senate and the United States.●

SALUTE TO THE WILDWOOD GIRL SCOUT TROOP, PORTLAND, OR

• Mr. PACKWOOD. Mr. President, it gives me great pleasure to rise today to salute the Wildwood Girl Scout Troop of Portland, OR. I recently received the good news that this energetic and bright group of young adults have been awarded the President's 1991 Environment and Conservation Challenge Citation for their work to protect the environment.

This citation is awarded to individuals and organizations that strive to find solutions to the many environmental problems facing our Nation. However, this award is not merely given away routinely. Rather, it has to be earned with hard work and dedication.

In 1989, the Wildwood Girl Scouts decided something must be done about the polluted waters in their community. Rather than let someone else worry about the problem, they took it upon themselves to start a cleanup. By choosing polluted streams to adopt as their own, the Wildwood Girl Scouts planned to return the stream habitats to their natural state.

Not only has the Wildwood Group been successful in removing tons of polluted debris from the chosen sights, they also work hard to educate the community about the need to protect the environment. Continued stream monitoring helps to preserve the newly restored creeks.

In today's society, it is extremely inspiring to know there are young Americans like the Wildwood Girl Scouts doing more than their share to protect the environment. This is exactly the type of behavior necessary in bringing about positive changes in our world.

I would once again like to proudly extend congratulations to these girls

for being awarded the President's 1991 Environment and Conservation Challenge Citation. They have helped their own community, as well as set an important example for the rest of us to follow. May we all learn by their remarkable leadership, caring, and initiative. To the Wildwood Girl Scouts, many thanks from all of us.●

VETERANS DAY 1991

● Mr. SYMMS. Mr. President, yesterday we celebrated Veterans Day, a day we have set aside to remember and honor the men and women who have served their country in the armed services.

The celebration came in the shadow of a great military victory in the Persian Gulf where America's finest, our highly trained and superbly led, men and women were deployed halfway around the globe to confront and defeat the forces of a tyrant.

But this day was not just for the heroes of Operation Desert Storm. It was not only for those brave Americans who risked, and often gave their lives in one of the many circumstances where American freedom and security were being threatened.

Veterans Day is for all Americans. It is a day to pause in commemoration of past sacrifices, but it is also time for all Americans to look to the future.

Operation Desert Storm is more than just a great victory, it is symbolic of future threats to peace and freedom. We have lived the last four decades in the shadow of nuclear holocaust, the major powers testing each other's will vicariously through conflicts of freedom in Southeast Asia, Africa and Latin America. We have preserved the peace because we prepared ourselves for war. Today the threat is changing, but it is not going away.

Today the threat from the Soviet Union is in a period of transition. We all hope that as the republics that once comprised the Soviet Union gain their footing they will seek the peace and freedom all Americans pray for, and our brave veterans have fought for.

But we will not have properly honored the men and women who have fought for freedom if we now abandon our readiness to defend all that they have won.

In "The American Crisis III," the great American patriot Thomas Paine wrote shortly before the Revolutionary War: "Nature, in the arrangement of mankind, has fitted some for every service in life: * * * were none soldiers, all would be slaves."

So on the day set aside to honor the current and past heroes of the Army, Navy, Air Force, Marines, and Coast Guard, we must remember to honor them by promising that we will not give up what they have won.●

MANATEE AWARENESS MONTH

● Mr. GRAHAM. Mr. President, I note with pride that November is Manatee Awareness Month, a tribute to a gentle marine mammal that has become a symbol in our effort to protect endangered species.

With as few as 1,500 manatees remaining in Florida's waterways, public awareness is fundamental to saving the species.

Mr. President, manatees have inhabited Florida waters for millions of years. But these sea creatures are now fighting extinction, making public awareness, and education all the more important.

Manatees help maintain biological diversity in sea grass beds that serve as a nursery for shrimp and a wide variety of marine life.

During this special month, our former colleague, Gov. Lawton Chiles, Sea World, Save the Manatee Club, the U.S. Fish and Wildlife Service, the Florida Game and Fresh Water Fish Commission, Florida Power & Light, and the Florida Department of Natural Resources are working to increase public awareness of the plight of the manatee.

We salute their efforts and we look to the day when this species is no longer threatened with extinctions.●

THE HEALTH EQUITY AND ACCESS IMPROVEMENT ACT OF 1991

● Mr. MCCONNELL. Mr. President, I rise today as a cosponsor and strong supporter of the Health Equity and Improvement Act of 1991. The Republican Health Care Task Force, led by Senator CHAFFEE, has worked tremendously hard over the past 2 years to develop legislation which would deal in a responsible and intelligent way with the health care challenges this country currently faces. As many people know, this is an extremely complicated issue and I want to commend Senator CHAFFEE for the patient and diligent leadership he has provided the members of the task force, including myself. Mr. President, it comes as no surprise to me that Americans are concerned about the issue of health care. Earlier this Congress, I introduced my own health care bill to address many of the same issues the Health Equity and Access Improvement Act does. Notwithstanding the skepticism most people in this country feel about the capability of the Government to do anything competently, it is clear that Americans want Congress to act on this issue.

The Republican Health Care Task Force thought carefully and deeply about the many factors involved in health care reform. The health equity and access bill is not the kind of panicked response that many in Congress are calling for, such as universal coverage, or employer mandates. Such

ideas will do considerable bad and little good. Americans do not want to sacrifice the quality of health care currently available to expand access. It is true that everyone in Canada has health care coverage. It is also true that many Canadians are coming to America for treatment, either because they need care sooner than the Government has scheduled them to receive it, or the type of treatment they seek is not available. This bill also will not devastate the small business market with mandates which shift an undue amount of the burden onto employers' backs.

The Health Equity and Access Improvement Act of 1991 is a measured response to the health care challenges our country faces. It will not fix the entire system but it will do much to minimize some of the basic problems. Although this country provides the most advanced and effective health care available in the world, many of our citizens do not have access to it. Through a series of tax credits for individual and employers seeking coverage, insurance reform, and expanded public health programs, this legislation will expand access. The medical liability section will also help to bring down overall medical expenses.

Mr. President, the American people are crying out for Congress to act on the issue of health care. I believe this bill signals a readiness on the part of the Republicans in Congress to respond to that cry with reasonable and viable answers.●

HONORING 395TH ORDNANCE COMPANY

● Mr. KASTEN. Mr. President, all Americans have good reason to be proud of the performance of our Armed Forces in the Persian Gulf war. Every community in this country has welcomed its local heroes in a spirit of joy and thanksgiving.

The community of Appleton, WI, has welcomed back home an outstanding ordnance company, the 395th of Appleton.

The brave men and women of this company played a vital role in the United States victory over Iraq. The 395th Ordnance Company is the last Wisconsin unit to return home. With its return, we close a noble chapter in our Nation's history—and thank the 395th Ordnance Company for all it did to make our victory possible.●

MEASURE INDEFINITELY POSTPONED—S. 243

Mr. ADAMS. Mr. President, I ask unanimous consent that S. 243 be indefinitely postponed.

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

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 102-62, appoints Mr. Glenn Walker, of Kansas, to the National Education Commission on Time and Learning.

SCHEDULE

Mr. MITCHELL. Mr. President, there will be no further rollcall votes today. There will be a rollcall vote on the cloture motion on the motion to proceed to S. 543, the banking bill, at 10:30 a.m. tomorrow. Senators should be aware of that in connection with their schedules.

INDIAN SELF-GOVERNANCE DEMONSTRATION PROJECT ACT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 301, S. 1287, regarding Indian self-determination; that the committee amendments be adopted, that the bill be read a third time and passed, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 1287) to amend the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs, 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 italics.)

S. 1287

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tribal Self-Governance Demonstration Project Act".

SEC. 2. EXTENSION OF TIME FOR TRIBAL SELF-GOVERNANCE DEMONSTRATION PROJECT.

Section 301 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) (hereafter in this Act referred to as the "Act") is amended by deleting "five" and inserting in lieu thereof "eight".

SEC. 3. INCREASE IN NUMBER OF TRIBES PARTICIPATING IN PROJECT.

Section 302(a) of the Act is amended by deleting "twenty" and inserting in lieu thereof "thirty".

SEC. 4. COMPLETION OF GRANTS AS A PRECONDITION TO NEGOTIATION OF WRITTEN ANNUAL FUNDING AGREEMENTS.

Section 303(a) of the Act is amended by deleting "which—" and inserting in lieu there-

of "that successfully completes its Self-Governance Planning Grant; such annual written funding agreement—".

SEC. 5. [ADDITIONAL FUNDING FOR SELF-GOVERNANCE PLANNING GRANTS.] ADDITIONAL FUNDING FOR SELF-GOVERNANCE PLANNING AND NEGOTIATION GRANTS.

Title III of the Act is amended by adding at the end thereof the following new section:

"Sec. 307. For the purpose of providing planning and negotiation grants to the ten tribes added by section 3 of the Tribal Self-Governance Demonstration Project Act to the number of tribes set forth by section 302 of this Act, there is authorized to be appropriated \$700,000."

SEC. 6. TECHNICAL AMENDMENTS.

(a) AMENDMENT.—Section 303(a)(1) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f note) is amended by deleting "authorized under" and inserting in lieu thereof the following: "of the Department of the Interior that are otherwise available to Indian Tribes or Indians, including but not limited to,".

(b) STUDY.—The Secretary of the Interior shall conduct a study for the purpose of determining the feasibility of including in the demonstration project those programs and activities excluded under section 303(a)(3) of the Indian Self-Determination and Education Assistance Act. The Secretary of the Interior shall report the results of such study, together with his recommendations, to the Congress within the 12-month period following the date of the enactment of this Act.

(c) AUTHORIZED AGREEMENTS.—Section 303(d) of such Act is amended by inserting immediately before the period at the end thereof a semicolon and the following: "except that for the term of the authorized agreements under this title, the provisions of section 2103 of the Revised Statutes of the United States (25 U.S.C. 81), and section 16 of the Act of June 18, 1934 (25 U.S.C. 476), shall not apply to attorney and other professional contracts of participating Indian tribal governments operating under the provisions of this title".

(d) INTERPRETATION.—Section 303 of such Act is amended by adding at the end thereof the following:

"(f) To the extent feasible, the Secretary shall interpret Federal laws and regulations in a manner that will facilitate the inclusion of activities, programs, services, and functions in the agreements authorized by this title."

(e) STUDY.—Title III of such Act is amended by adding at the end thereof the following new section:

"Sec. 308. The Secretary of Health and Human Services, in consultation with the Secretary of the Interior and Indian tribal governments participating in the demonstration project under this title, shall conduct a study for the purpose of determining the feasibility of extending the demonstration project under this title to the activities, programs, functions, and services of the Indian Health Service. The Secretary shall report the results of such study, together with his recommendations, to the Congress within the 12-month period following the date of the enactment of the Tribal Self-Governance Demonstration Project Act."

The committee amendments were deemed agreed to.

The bill (S. 1287), as amended, was deemed read a third time and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session, and that the Committee on Governmental Affairs be discharged from the following nomination: David M. Nummy, to be an Assistant Secretary of the Treasury.

I further ask unanimous consent that the Senate proceed to the immediate consideration, and that the nominee be confirmed, that any statements appear in the RECORD as if read, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

The nomination, considered and confirmed, is as follows:

David M. Nummy, to be an Assistant Secretary of the Treasury.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

HEALTH INFORMATION, HEALTH PROMOTION, AND VACCINE INJURY COMPENSATION AMENDMENTS OF 1991

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3402, a bill relating to health information and promotion, just received from the House.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3402) to amend the Public Health Service Act to revise and extend certain programs regarding health information, health promotion, and vaccine injury compensation.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. Are there amendments?

If there are no amendments, the bill is deemed read a third time and passed.

So the bill (H.R. 3402) was deemed read a third time and passed.

Mr. MITCHELL. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

NATIONAL MILITARY FAMILIES RECOGNITION DAY

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Judiciary

Committee be discharged from further consideration of Joint Resolution 215, designating "National Military Families Recognition Day," that the Senate proceed to its consideration, that the joint resolution be deemed read a third time and passed, and that the motion to reconsider be laid upon the table and that the preamble be agreed to.

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

The joint resolution (H.J. Res. 215) was deemed read a third time and passed.

The preamble was agreed to.

THE CRIME BILL

Mr. MITCHELL. Mr. President, I will momentarily propound a unanimous-consent request with respect to the crime bill.

Mr. President, I might say that through the diligent and persistent efforts of Senator THURMOND, Senator BIDEN, and others, the Senate has passed a crime bill. We did so earlier this year. At the time we were considering it, the President was making statements around the country criticizing the Congress for not acting promptly on the bill, even while at that time efforts to move promptly on it were retarded, in part, by objections from Republican Senators.

A week ago yesterday, on November 4, we sought to have the conferees named so that the Senate could proceed to have a conference with the House, the House in the meantime having passed a different bill, and we have been prevented from doing so by Republican Senators. Meantime, the President continues his criticism of the Congress failing to act on this legislation. But the reason we have been unable to act is because of objections by Republican Senators, which have prevented us even from naming conferees to go to a conference.

This has happened over and over again this year, and I pointed it out on many occasions. This is one more example.

UNANIMOUS-CONSENT REQUEST

So, Mr. President, in an effort to get permission to proceed, I now ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3371, a bill to control and prevent crime, just received from the House; that all after the enacting clause be stricken; that the text of S. 1241, as passed in the Senate on July 11, 1991, be inserted in lieu thereof; that the bill be deemed read three times, passed, and the motion to reconsider be laid upon the table.

I further ask unanimous consent that the Senate insist upon its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection?

Mr. THURMOND. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THURMOND. I want to say this: We want a better proportion of conferees on the committee. We have 8 and 6, and we have not worked out the conferee numbers yet. So I will have to object tonight.

Mr. MITCHELL. Mr. President, of course, I have the greatest respect for my distinguished colleague. I just simply want the record to show clearly, once again, that we have been trying now for over a week to have the conferees named. We have been prevented from doing so by objections by Republican Senators. That objection continues to this very moment.

So I again urge upon the President that, when he makes these statements criticizing the Congress for not acting on the crime bill, he make clear at the same time he makes that statement that the reason we are not able to proceed now is Republican objection to proceeding to conference. Otherwise, his statements are inaccurate and highly misleading.

And we are going to persist and try again tomorrow. I hope we can get an agreement to proceed on this bill. But, of course, with the looming adjournment of Congress, it is going to be very difficult. We have now lost 8 days in this process and every day that goes by without our being able to name a conferee make it difficult to accomplish that objective.

I have great respect for the Senator from South Carolina. I know how much he worked to bring this bill to reality. I hope we are going to be able to get that done as soon as possible because we do want to complete action on that important measure.

Mr. THURMOND. Mr. President, it is important to have the right ratio between Democrats and Republicans on the conference. I hope we can work it out. I will talk to Senator BIDEN again and see if we can work that out.

Mr. MITCHELL. Mr. President, my understanding—and I have not been involved in these discussions so I accept the statement by the distinguished Senator from South Carolina—is that the proposal was that Senators BIDEN, KENNEDY, METZENBAUM, LEAHY, DECONCINI, THURMOND, HATCH, and SIMPSON be named as conferees. Apparently, there is some disagreement by our Republican colleagues. But I do hope that Senator THURMOND and Senator BIDEN will talk and that we can get this objection dropped so we can overcome this obstacle and we can move as promptly as possible on this important matter.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I ask unanimous consent that when the Sen-

ate completes its business today, it stand adjourned until 9:30 a.m., on Wednesday, November 13; and that, when the Senate reconvenes on Wednesday, November 13, the Journal of proceedings be deemed to have been approved to date; the call of the calendar be waived, and no motions or resolutions come over under the rule; that the morning hour be deemed to have expired; that the time for the two leaders be reserved for their use later in the day and that the time until 10:30 a.m. be for debate on the motion to proceed to S. 543, the banking bill, with the time equally divided and controlled between Senators RIEGLE and GARN, or their designees; that immediately upon the conclusion of the cloture vote, regardless of the outcome, there then be a period of 2 hours for morning business, with Senators permitted to speak therein, with the first 45 minutes under the control of the majority leader, or his designee; and the next 40 minutes under the control of Senator NUNN.

Mr. THURMOND. No objection.

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

Mr. MITCHELL. 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. THURMOND. 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 CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

Mr. THURMOND. Mr. President, I inquire of the majority leader when he will take up the constitutional amendment to balance the budget. That has been on the calendar now for months and it seems to me it is time to take it up.

Mr. MITCHELL. Mr. President, the Senator has discussed that with me previously on many occasions. The only requests I receive more often are requests to adjourn by Thanksgiving. So I am weighing that request in context of the other requests. I will be pleased to consider it further with the Senator and others who are proponents of it.

Mr. THURMOND. Mr. President, I think we can finish it in 1 day. But if the Senator thinks we cannot, can we agree on a date when we come back?

Mr. MITCHELL. We will certainly consider that, I say to the Senator, as we do all of his requests.

Mr. THURMOND. I find the majority leader reasonable. I think that is also reasonable.

Mr. MITCHELL. I thank the chairman.

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

HOUSE OF REPRESENTATIVES—Tuesday, November 12, 1991

The House met at 12 noon.

Rev. W. Douglas Tanner, Jr., executive director, Faith and Politics Institute, Washington, DC, offered the following prayer:

Lord, we come before You this morning as leaders of a nation marked by both an exceptional capacity and a particular burden. The burden was borne by Thomas Jefferson who said, "I tremble for my country at the thought that God is just." The burden literally tore us apart a century later until we had spilled each other's blood in rivers. The burden is one that many of us dared to believe was finally being laid down on the steps of the Lincoln Memorial in August 1963, and in the legislation that soon followed. It is the burden of injustice and inequality, of insensitivity and intolerance, of anxiety and fear and hatred based on race.

It is a wound in the soul of our Nation, and its healing desperately needs the full and most creative attention of this body, and of all of the rest of us in this land.

We pray that You would move within us and among us, and that You would stir us to vision and commitment equal to our task. Grant us wisdom, grant us courage, for the facing of this hour and the living of these days. Amen.

THE JOURNAL

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

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

Mr. DELAY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the noes appeared to have it.

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 247, nays 98, not voting 87, as follows:

[Roll No. 387]

YEAS—247

Abercrombie	Gephardt	Neal (NC)
Ackerman	Geren	Nichols
Andrews (ME)	Gillmor	Nowak
Andrews (NJ)	Gilman	Oberstar
Andrews (TX)	Glickman	Obey
Annunzio	Gonzalez	Olver
Applegate	Gordon	Ortiz
Archer	Green	Orton
Aspin	Guarini	Owens (UT)
Atkins	Gunderson	Oxley
AuCoin	Hall (OH)	Packard
Bacchus	Hall (TX)	Pallone
Barnard	Hamilton	Panetta
Bateman	Hansen	Parker
Bellenson	Harris	Payne (NJ)
Bennett	Hayes (IL)	Payne (VA)
Bevill	Hayes (LA)	Pease
Billbray	Hefner	Penny
Bonior	Hoagland	Perkins
Borski	Hochbrueckner	Pickett
Boucher	Horn	Pickle
Boxer	Horton	Poshard
Brooks	Houghton	Pursell
Broomfield	Hubbard	Quillen
Browder	Huckaby	Rahall
Bruce	Hughes	Ravenel
Bryant	Hutto	Reed
Bustamante	Jenkins	Richardson
Callahan	Johnson (CT)	Rinaldo
Campbell (CO)	Johnson (SD)	Roe
Cardin	Johnson (TX)	Roemer
Carper	Jontz	Rose
Carr	Kanjorski	Rostenkowski
Chapman	Kaptur	Rowland
Clement	Kasich	Roybal
Clinger	Kennedy	Sarpaluis
Coleman (TX)	Kennelly	Savage
Collins (MI)	Kildee	Serrano
Combest	Kiecicka	Sharp
Costello	Klug	Shuster
Cox (IL)	Kolter	Sisisky
Cramer	Kopetski	Skaggs
Darden	Kostmayer	Skeen
Davis	LaFalce	Skelton
de la Garza	Lancaster	Slattery
Dellums	Lantos	Slaughter
Derrick	LaRocco	Smith (IA)
Dicks	Lehman (FL)	Smith (NJ)
Dingell	Levin (MI)	Snowe
Dixon	Lewis (GA)	Solarz
Donnelly	Livingston	Spratt
Dooley	Long	Stallings
Dornan (CA)	Lowe (NY)	Stenholm
Downey	Luken	Stokes
Dreier	Manton	Studds
Duncan	Markey	Sweet
Durbin	Matsui	Swift
Dwyer	Mavroules	Synar
Dymally	Mazzoli	Tallon
Early	McCloskey	Tanner
Eckart	McCurdy	Tauzin
Edwards (CA)	McDermott	Taylor (MS)
Edwards (OK)	McGrath	Thomas (GA)
Edwards (TX)	McHugh	Thomas (WY)
Emerson	McMillen (MD)	Thornton
Engel	McNulty	Towns
English	Mfume	Trafiacant
Erdreich	Miller (CA)	Traxler
Espy	Mineta	Unsoeld
Evans	Mink	Valentine
Ewing	Moakley	Vander Jagt
Fascell	Mollohan	Vento
Fazio	Montgomery	Visclosky
Feighan	Moody	Volkmer
Fish	Moran	Walsh
Foglietta	Morrison	Washington
Ford (MI)	Murtha	Waxman
Ford (TN)	Myers	Weiss
Frank (MA)	Nagle	Wheat
Frost	Natcher	
Gedjenson	Neal (MA)	

Whitten
WilliamsWolpe
WydenYates
Yatron

NAYS—98

Allard	Hancock	Petri
Armey	Hastert	Ramstad
Baker	Hefley	Regula
Ballenger	Henry	Rhodes
Barrett	Herger	Ridge
Barton	Hobson	Roberts
Bentley	Holloway	Rogers
Bereuter	Hopkins	Rohrabacher
Billrakis	Hyde	Ros-Lehtinen
Bliley	Inhofe	Roth
Boehert	Ireland	Santorum
Boehner	Jacobs	Saxton
Bunning	James	Schaefer
Burton	Kolbe	Sensenbrenner
Camp	Kyl	Shays
Campbell (CA)	Lagomarsino	Sikorski
Clay	Leach	Smith (OR)
Coleman (MO)	Lewis (CA)	Smith (TX)
Coughlin	Lewis (FL)	Solomon
Cox (CA)	McCandless	Spence
Crane	McCrery	Stearns
Cunningham	McDade	Stump
DeLay	McEwen	Sundquist
Doolittle	McMillan (NC)	Taylor (NC)
Dorgan (ND)	Meyers	Thomas (CA)
Fields	Michel	Upton
Franks (CT)	Miller (OH)	Vucanovich
Galleghy	Miller (WA)	Walker
Gekas	Molinaro	Weldon
Gilchrest	Moorhead	Wolf
Gingrich	Morella	Zeliff
Goss	Nussle	Zimmer
Grandy	Paxon	

NOT VOTING—87

Alexander	Hunter	Price
Anderson	Jefferson	Rangel
Anthony	Johnston	Ray
Berman	Jones (GA)	Riggs
Brewster	Jones (NC)	Ritter
Brown	Laughlin	Roukema
Byron	Lehman (CA)	Russo
Chandler	Lent	Sabo
Coble	Levine (CA)	Sanders
Collins (IL)	Lightfoot	Sangmeister
Condit	Lipinski	Sawyer
Conyers	Lloyd	Scheuer
Cooper	Lowery (CA)	Schiff
Coyne	Machtley	Schroeder
Dannemeyer	Marlenee	Schulze
DeFazio	Martin	Schumer
DeLauro	Martinez	Shaw
Dickinson	McCollum	Smith (FL)
Fawell	Mrazek	Staggers
Flake	Murphy	Stark
Gallo	Oakar	Torres
Gaydos	Olin	Torricelli
Gibbons	Owens (NY)	Waters
Goodling	Pastor	Weber
Gradson	Patterson	Wilson
Hammerschmidt	Pelosi	Wise
Hatcher	Peterson (FL)	Wylie
Hertel	Peterson (MN)	Young (AK)
Hoyer	Porter	Young (FL)

□ 1224

Mr. SKAGGS changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DANNEMEYER. Mr. Speaker, on Thursday, during rollcall vote numbered 387, I was unavoidably absent from the House floor. Had

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

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

I been present I would have voted "no" on rollcall No. 387, a vote on the journal.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Virginia [Mr. BLILEY] please come forward and lead the House in the Pledge of Allegiance.

Mr. BLILEY led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 838. An act to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such act, and for other purposes;

S. 1410. An act relating to the rights of consumers in connection with telephone advertising; and

S. 1462. An act to amend the Communications Act of 1934 to prohibit certain practices involving the use of telephone equipment.

LEGISLATIVE PROGRAM

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

Mr. GEPHARDT. Mr. Speaker, I would say to the gentleman from Illinois [Mr. MICHEL], the distinguished minority leader, that I wanted to be able to tell Members that it is likely we will be voting late on tomorrow and Thursday for the purpose of trying to consider the unemployment compensation amendments and the FDIC Improvement Act and the Family Medical Leave Act and the Defense authorization conference.

I just wanted Members to know that we are likely to go into the evening both tomorrow and on Thursday, but there will not be votes on Friday.

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

Mr. GEPHARDT. I yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, the distinguished majority leader anticipated my question, which was whether or not there would be votes on Friday or will that just be a perfunctory session Friday?

Mr. GEPHARDT. It will be a pro forma session. There will not be votes.

Mr. MICHEL. If the gentleman will continue to yield, I suspect that it is too early to project the following Monday?

Mr. GEPHARDT. Mr. Speaker, that is correct.

Mr. MICHEL. Might I pose this question, because it obviously has to be on everyone's mind here. If it is the majority's will that we still adjourn this Congress, say, the weekend of the 22d before Thanksgiving; is that still in the prospects?

Mr. GEPHARDT. That is still the intention. We have a lot of business to get done. Some of it is necessary and urgent and has to be completed, the FDIC bill, the RTC bill. We do want to get the highway conference finished and obviously all of the appropriations.

We are very close to doing that. That is why we are asking Members to be willing to meet into the evening tomorrow and the next day and obviously the next week will be very busy.

Mr. MICHEL. May I simply say, Mr. Speaker, that I appreciate being alerted to that. I would applaud the majority for scheduling the later sessions or at least alerting Members that we have got to really do our work in the next couple days. Friday there may be no work, if, as the gentleman indicated, some significant pieces of legislation are done before then.

Mr. GRANDY. Will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Iowa.

Mr. GRANDY. Mr. Speaker, I thank the gentleman for yielding to me. I would like to inquire of the distinguished majority leader, we have heard on our side some rumors that there will be an interim report filed by the Committee on Standards of Official Conduct, namely the chairman, the gentleman from New York [Mr. MCHUGH], sometime this week, probably around Thursday, regarding the House banking situation.

Is it the majority leader's understanding that that report is in shape to come to the House floor?

Mr. GEPHARDT. Mr. Speaker, I do not know of that. I will try to determine what the facts are and respond to the gentleman. I do not know the answer to that.

Mr. GRANDY. If the gentleman will continue to yield, I appreciate the majority leader saying that because I think that has become a runaway rumor. And I can tell the gentleman that the subcommittee has not even met on that interim report and would appreciate the opportunity to do so before we bring it to the full House.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES AT ANY TIME ON THURSDAY, NOVEMBER 14, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, November 14, 1991, for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Carlos

Saul Menem, President of the Republic of Argentina.

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

There was no objection.

HOUR OF MEETING ON WEDNESDAY, NOVEMBER 13, 1991

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, November 12, 1991, it adjourn to meet at 11 a.m. on Wednesday, November 13, 1991.

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

There was no objection.

□ 1230

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives: WASHINGTON, DC, November 12, 1991.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the unofficial results received from Michael G. Brown, Secretary of the State Board of Elections, Commonwealth of Virginia, indicating that, according to the unofficial returns of the Special Election held on November 5, 1991, the Honorable George Allen was elected to the Office of Representative in Congress, from the Seventh Congressional District, Commonwealth of Virginia.

With great respect, I am

Sincerely yours,

DONALD K. ANDERSON,
Clerk, House of Representatives.

COMMONWEALTH OF VIRGINIA,
STATE BOARD OF ELECTIONS,
Richmond, VA, November 8, 1991.

Hon. DONALD K. ANDERSON,
Clerk of the House of Representatives, U.S. Capitol, Washington, DC.

DEAR MR. ANDERSON: The unofficial results of the November 5, 1991 Special Election held in Virginia's 7th congressional district are:

K.E. "Kay" Slaughter (D), 59,284;

George F. Allen (R), 106,047;

John A. Torrice, Jr., 5,565.

The State Board of Elections will conduct its official canvass of the November 5, general and special elections on Monday, November 25, 1991 at 10:00 a.m.

Sincerely,

MICHAEL G. BROWN,
Secretary.

SWEARING IN OF HON. GEORGE F. ALLEN, OF VIRGINIA, AS A MEMBER OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that the gentleman from the Commonwealth of Virginia, Mr. GEORGE ALLEN, be permitted to

take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

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

There was no objection.

The SPEAKER. Will the gentleman from Virginia [Mr. BLILEY] and the Member-Elect, Mr. GEORGE ALLEN of the Seventh Congressional District of the Commonwealth of Virginia, come forward, escorted by the gentleman from Virginia [Mr. BLILEY] and the Members of the Virginia delegation. Will the Members and the guests in the gallery please rise.

Mr. ALLEN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are now a Member of the U.S. House of Representatives.

WELCOMING THE HONORABLE GEORGE F. ALLEN

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

Mr. BLILEY. Mr. Speaker, it is both an honor and a privilege today to welcome our newest colleague, GEORGE ALLEN. GEORGE's father, as Members well know, was for years the great coach of the Washington Redskins. GEORGE himself graduated from high school here in northern Virginia, received his bachelor's degree from the University of Virginia, where he was a quarterback on the football team. He received his law degree from the university and entered private practice in Charlottesville, Albermarle County. He was first elected to the General Assembly of Virginia in 1982, has been re-elected ever since, and this year, upon the untimely resignation of our great friend, French Slaughter, ran for the nomination and won the nomination, and subsequently ran a vigorous campaign and was elected overwhelmingly. He joins a long line of men such as Jack Marsh, Ken Robinson, and French Slaughter, with whom many of us have served. He will represent this body, this country, his district, and the Commonwealth of Virginia with distinction and I predict for a long time.

Mr. Speaker, the gentleman from Virginia, GEORGE ALLEN.

EXPRESSION OF HONOR AND DUTY UPON BEGINNING SERVICE IN THE HOUSE

(Mr. ALLEN asked and was given permission to address the House.)

Mr. ALLEN. Mr. Speaker, it is a great honor and with a tremendous sense of duty to the people of the Seventh District of Virginia that I stand before you today.

I come to this House with a mission and with goals. I have not come to be a member of a club, but rather to fight for the taxpayers of Virginia. We need to cease class warfare and petty partisan bickering to get this economy moving forward. We need to create new jobs, cut taxes for American families, adopt the balanced budget/tax limitation amendment to the Constitution, and give to the President the power that 43 Governors have—the line-item veto.

The Congress needs to show self-discipline and say no to excessive spending and incessant meddling into prerogatives of the States and the people.

I have previously had the privilege of serving 9 years in Thomas Jefferson's seat in the Virginia House of Delegates. I share Mr. Jefferson's view that the government which governs least governs best.

Further, we should be reminded of President Jefferson's 1801 inaugural address, when he said, "Government should not take from the mouths of labor the bread it has earned."

And I believe it is wise to remember the philosophy of Patrick Henry, who warned that the Federal Government would become overburdensome and oppressive. These have been, and will continue to be, my guiding principles.

Mr. Speaker, I will fight hard to represent the people of my district and to constructively improve and change the operation of Congress. My constituents did not elect me to be a stump. I look forward to rolling up my sleeves and going to work right away.

Mr. Speaker, I would like to invite my new colleagues to a reception in the Gold Room, 2186 Rayburn, beginning this afternoon at 1:00. And in case any of my friends here are worried—everything has already been paid for.

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 274) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 274

Resolved, That Representative Allen of Virginia be, and he is hereby, elected to the following standing committees of the House of Representatives: the Committee on the Judiciary, the Committee on Small Business, and the Committee on Science, Space and Technology.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING VETERANS DAY

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

Mr. HUTTO. Mr. Speaker, yesterday our Nation celebrated Veterans Day and like other Members I was in my district speaking and marching in Veterans Day parades. Yesterday morning I spoke at the high school stadium in Milton, FL, following a parade, and in the afternoon met with veterans and marched in a parade in Fort Walton Beach, FL. Also, in my district yesterday in Pensacola, FL, a groundbreaking ceremony was held for the construction of Wall South, a half-size replica of the Vietnam Veterans Memorial in Washington, DC. Despite our Nation's problems and the division that we find rampant in our Nation it is heartwarming to know that Americans are still patriotic and that they appreciate those who have served our Nation in the military services. Americans love freedom and we are willing to defend it. Every soldier, sailor, airman, marine, and coast guardsman that has served and is serving our Nation knows that freedom did not come without a price. Yesterday was a good day, when the Nation came together to honor our veterans, who mean so much to all of us.

□ 1240

OCTOBER SURPRISE INVESTIGATION POLITICALLY MOTIVATED

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

Mr. LIVINGSTON. Mr. Speaker, if Republicans were in charge of the House today, the American people would not have their tax dollars wasted on ridiculous investigations. The American people can see that the proposed investigation into October surprise is politically motivated.

The recent articles from the New Republic and Newsweek clearly indicate that the Democrat leadership is throwing American tax dollars into the wind. These articles point out there is absolutely no evidence to support the Democrats' attempt to smear President Bush's and President Reagan's names.

Mr. Speaker, in fact, the American public should be outraged at the Democrat leadership's actions. This is an excellent example of taxpayer-financed campaigns at its worst. The Democrat leadership has stonewalled every attempt the Republicans have made to ensure this investigation is fair, and

the fact that the Democrat leadership has refused to include President Carter in this investigation is a clear sign that it is just a politically motivated campaign issue.

Mr. Speaker, the only surprise in October 1980 was that the Democrats were not going to win control of the White House again for a long time.

This investigation has reached such a ridiculous stage that I believe the Democrat leadership owes President Reagan and President Bush an apology. That is the only decent thing left to do.

WHETHER PERCEIVED AS CLOWNS OR NOT, OUR GOVERNMENT NEEDS TO ACT WISELY

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

Mr. BENNETT. Mr. Speaker, my constituent, John W. Hancock, published in Saturday's Florida Times Union a piece titled "Clowns in Washington Can Be Stopped." It reads as follows:

"CLOWNS" IN WASHINGTON CAN BE STOPPED

Call in the clowns! The clowns in Washington are still at it, taking from wage earners and blowing it away.

Now what? The clowns are now sending the Russians a billion dollars of our money. Forget that tens of thousands were killed in Korea, Afghanistan and Vietnam with Russian money? Forget that the Russians have salted away billions in foreign banks? Forget the Russians spent billions of their people's money on shot and shell to kill people around the world? Forget the shooting down of KAL 007 in September 1983?

Then, while our economy is floundering and we are in debt over our heads because of our fun-loving clowns, forget?

We can stop it if we care for our country and our children. We own the circus so exercise your option as an owner and call or write your hired clown.

Charity begins at home. Remember the government earns no money. It takes from the wage earner and gives it away. Enough is enough!—JOHN W. HANCOCK, Jacksonville.

Mr. Speaker, last Friday in a speech on the floor I referred to an article, "Soviets Need Our Advice, Not Money." I then expressed the opinion that the United States should have been and should be now at the forefront of the nations of the world in bartering for Russian products the things we have available that Russia needs. France and Germany already have such procedures in place. We have been first in the world in free enterprise practices. Why hasn't leadership for free enterprise come from us today in the collapse of communism? It seems that instead we think that all that people want from America is our taxes and our checkbook in charity. Russia can help us in our need for imported oil and a host of important minerals for which we have no adequate supply but a great need.

The above quoted words of Mr. Hancock are apparently directed at Con-

gress, but it is my opinion that Congress is not likely to do what he wisely decries, certainly not unless the President requests it. I introduced legislation earlier in August to sidetrack the charity proposal and put in place a free enterprise business proposal. The question remains as to why the President does not grasp the foreign affairs initiative that our western allies in Europe have already pursued. Legislation is not needed to do that. For instance, why not buy oil from the vast Russian reserves in return for money to them for medical and food supplies from us? The administration should not allow further delay in securing such agreements, which would be of benefit both to our country and to Russia and Eastern Europe.

SOVIET AID AND OCTOBER SURPRISE SPENDING

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

Mr. MCEWEN. Mr. Speaker, I rise to support the gentleman from Florida in his comments. That is exactly right.

The Soviet Union has a tremendous burden that they must carry in order to keep 30,000 nuclear warheads aimed at the United States. There is not much money left to feed the people, and so there are lots of lines around there.

Mr. Speaker, there are those in this House who propose to take a billion dollars, not just from American taxpayers, but from our defense fund and give it to the Soviet Union so that they can afford to keep those missiles aimed at American cities.

Most average taxpayers at any coffee shop at 6 o'clock in the morning and you ask them about that idea, they will tell you that it stinks. I think it does, too, and the gentleman from Florida [Mr. BENNETT] and I hope this week to be able to make sure that the efforts to give money to the Soviets to subsidize their warheads aimed at American cities would be discontinued.

Mr. Speaker, further, there is an infinite capacity of liberals to spend money. They have got a great one that just came up, and that is, as was mentioned by the gentleman from Louisiana, they now want to investigate the 1980 election. Nobody will accuse them of ever being ahead of time, so they are going to accuse, perhaps, the rumor that the 1980 election was unfair.

Let me describe what the New Republic said about that. It said:

The truth is that the conspiracies that the Democrats are pursuing and as they are currently postulated is a total fabrication. None of the evidence cited to support the October surprise stands up to scrutiny. Key sources on whose word the story rests are documented frauds and impostors.

Mr. Speaker, I asked in the Committee on Rules that people that have re-

viewed this and the General Accounting Office if any thought of the charges had ever proven to be true, anything, the day, the time, the people, location, anything proven to be true. They said that everything they told us proved out to be a lie.

LET US JOIN FORCES WITH MAGIC

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

Mr. TRAFICANT. Mr. Speaker, the good news is that Magic has awakened America. And the doctors have found another drug to fight AIDS.

The bad news is that this new drug costs \$21,000 a year; \$21,000 a year.

Now, who can afford that, the Sultan of Brunei?

Meanwhile, Mr. Speaker, the pharmaceutical companies are saying that is a fair price.

Ladies and gentlemen, the truth of the matter is that the American taxpayer has paid for research on drugs, and now they cannot even afford to buy the drugs, and the truth is that if you are not a member of Fortune 500 you cannot even get treatment for AIDS.

I think it is time that Congress joined forces with Magic as a simplified program to help the American people afflicted with this dreaded disease.

THE OCTOBER SURPRISE: ELECTION YEAR POLITICS AT ITS WORST

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

Mr. RHODES. Mr. Speaker, remember back in 1988 when the Democrat Party was looking to take back the White House? They came up with the Iran/Contra investigation.

Thousands of man-hours, millions of tax dollars, and a couple of misdemeanors later, nothing much has turned up, but alas, another Presidential election year is looming and once again the Democrat platform is barren of new ideas, so this time they are going to go way back to 1980 looking for dirt. This time it is the October surprise.

No, they have not found anything in 11 years, but that is not going to stop them from rehashing the same old discredited allegations that they have been kicking around for so long.

And just to make sure that this is a partisan witch hunt, the Democrat majority on the Committee on Rules has rebuffed any attempt by Republican members to bring before the panel the already discredited witnesses who stirred up this pot in the first place.

Mr. Speaker, do the taxpayers a favor; call off the witch hunt. If you really want to do something for the American people, you might want to

join your Republican colleagues in an effort to adopt the President's agenda and get this country moving forward again.

next—the "flat Earth surprise?" I am certain the American people are eager to find out.

surprise and get moving with the November 1991 economy.

STRAIGHTEN OUT MISMANAGEMENT OF NATIONAL FORESTS

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

Mr. JONTZ. Mr. Speaker, a front-page article in today's Washington Post describes the courageous action of Orville Daniels, who is supervisor of the Lolo National Forest in Montana.

He said he was not going to sacrifice the well-being of that forest for arbitrary timber production targets. Regrettably, the management of the Forest Service here in Washington has taken action to prevent other forest supervisors from reducing the cut in their forests as Daniels did. This makes it clear that it is up to the Congress to act if we are to reform the mismanagement of our national forests.

Mr. Speaker, the national forests belong to the people of our country. We need to restore proper balance in managing these forests, eliminate their clearcutting when it makes no economic or ecological sense, and insist that, as good stewards, these forests be passed on to our children unimpaired as a part of the heritage of all Americans.

THE FLAT-EARTH SURPRISE?

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

Mr. McCrery. Mr. Speaker, the Democrat majority in this House will proceed with the October surprise investigation. They base this inquiry on the allegations of former Carter staffer Gary Sick.

Confronted with the absence of credible evidence for such allegations, Sick responded in the New York Times:

There are no smoking guns *** because participants in political covert actions *** take pains to cover their tracks. The chance of turning up incontrovertible evidence of wrongdoing *** is slim.

Mr. Speaker, that is like saying because there is no evidence the Earth is flat, the Earth must be flat.

This logic employed by Mr. Sick and the Democrat majority would make Aristotle turn over in his grave.

The New Republic, Newsweek, even Mr. Sick himself, all conclude there is no evidence to proceed with the October surprise task force.

Mr. Speaker, when Republicans control the Congress, unfounded allegations that have no credible evidence will not lead to expensive and partisan investigations.

Unfortunately, the Democrats excel at these mindless exercises. What is

□ 1250

TRIBUTE TO REV. DR. BARBARA KING OF ATLANTA, GA

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

Mrs. COLLINS of Michigan. Mr. Speaker, I take great honor in today acknowledging the work of Rev. Dr. Barbara King, the founder and minister of the Hillside Church in the Round in Atlanta, GA.

After 7 years of dedication, hard work and contributions by Reverend King and her parishioners, last Thursday evening we celebrated the ribbon cutting ceremony of the Hillside Church in the Round. Her parishioners contributed hundreds of thousands of dollars to build this magnificent church worth over a million dollars.

On Friday evening, Martha Jean "The Queen" Steinberg, founder of the Fisherman Ministry in Detroit was the honored guest minister at this event. The ceremonies also included numerous activities, including seminars and workshops dealing with women, men and parents, as well as a community forum with elected officials from Atlanta.

Our Nation is a better place because of people like Reverend King. I am proud to honor her.

STOP WASTING TIME ON OCTOBER SURPRISE

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

Mr. PAXON. Mr. Speaker, if Republicans were in charge of this House, we would not waste at least one-half million dollars of the taxpayers' hard-earned money on the bogus investigation that the Democrats are pressing on the now discredited so-called October surprise.

It is obvious to the American people that this is just a waste of their taxpayer dollars for a politically motivated fishing expedition.

Both Newsweek and the New Republic wrote excellent articles on the October surprise. Newsweek found that:

The key claims of the purported eyewitnesses and accusers simply do not hold up. What the evidence does show is the murky history of a conspiracy theory run wild.

Mr. Speaker, after such raving reviews in these two magazines, I would think that the Democrats would stop trying to push this sham on the Congress and the American people.

Mr. Speaker, Congress should halt the investigation of the October 1980

INTRODUCTION OF CAMPAIGN FINANCE REFORM LEGISLATION

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

Mr. MAZZOLI. Mr. Speaker, I am proud to announce today that a bill for reforming campaign finance was introduced today and on that bill I am an original cosponsor.

In future days I will discuss the elements of that bill, and among the elements which I will talk about are limits on campaign spending—how important that is when some races today now cost a million dollars to run—a limitation of the role that political action committees have, an elimination of bundling, and the elimination or the curtailing of so-called soft money.

Let me mention, Mr. Speaker, that I can think of no one single action taken by Congress that would more quickly restore public confidence in this system than passing a tough campaign reform bill. It seems to me that unless we take that opportunity, Mr. Speaker, we will forever forego the opportunity of recapturing the confidence of the American people. The evidence for their waning interest in the system: In Kentucky, my home State, only 30 percent of the people voted last Tuesday in the Governor's race.

Mr. Speaker, we need to move fast. We need to understand the message that people are sending us: Reform elections and reform them quickly.

CONGRESSIONAL COVERAGE

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

Mr. DELAY. Mr. Speaker, the Wall Street Journal in an October 16, 1991, editorial reported that several national TV shows are preparing exposés on how the imperial Congress isn't covered by the civil rights bill and family-leave bill among other laws enacted over the past century.

The record of the Democrat-controlled Congress is so indefensible that top House leaders use back-door maneuvers to have the reforms demanded by voters, such as term limits, declared invalid. Regardless how any of us feel about the term-limit issue, and I am against term limits, such abuses of power by this Chamber must stop.

Mr. Speaker, just a few of the laws which Congress has enacted for the American people, but has not applied to itself include: Social Security Act of 1933, as amended; National Labor Relations Act, as amended; Civil Rights Act of 1964, as amended; Age Discrimination Act of 1967 as amended; and many more.

We had two opportunities within the last week to require Congress to live by the laws we impose on the rest of Americans. But the Democrat-controlled House refused to allow even a vote on the congressional coverage amendment to both the civil rights bill and the family leave bill.

Last week's elections showed that Democrat Members of Congress have yet again underestimated how angry people are with Congress.

JOHN SLOAN, TIRELESS FIGHTER FOR SMALL BUSINESS

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

Mr. CLEMENT. Mr. Speaker, John Sloan, Jr., the president of the National Federation of Independent Business, died yesterday in Nashville.

John Sloan was a tireless fighter for small business men and women in our country, John was a friend and an effective advocate. He argued his views with passion and sincerity. And his effect on successfully modifying legislation here in the Congress was second to none. While John did not win every fight he made on behalf of his members, he assured that their voice and concerns were heard both here in the Congress and within the administration.

A native of Nashville, John Sloan, was a 1951 honors graduate of Vanderbilt University and the Stonier Graduate School of Banking at Rutgers University. His business experience and expertise continued to develop while he was a director of the National Alliance of Business, the National Legal Center for Public Interest, and the institute for Research on the Economics of Taxation. Prior to joining NFIB in 1983, he was president and CEO of First Tennessee Bank in Nashville.

John Sloan's voice is silent now. But his contribution to this country and to the policymaking process will be felt for many years to come.

Our prayers go to his family and to the millions of small business men and women whom he represented so well.

THE NEED FOR COST CONTAINMENT IN HEALTH CARE

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

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to speak about the need for cost containment in health care.

Some of the media seems to imply that health care reform just started last Tuesday, but that is not the case. Many of us have been working on it for some time.

Mr. Speaker, the latest health care statistic just entered the race for re-

form. The \$604 billion spent annually on health care is estimated to reach \$756 billion by the end of 1991—an 11-percent increase over the previous year.

Mr. Speaker, we are well aware of what drives these costs—malpractice liability, duplication, Federal and State mandates, needless paperwork, inefficiency and the list goes on. I believe we must focus on the quality of our system and build from there. Compared to other systems, we lead in medical research, freedom of choice, and timeliness. Our shortcomings, however, fall in the area of cost, and this significantly limits people's access to health insurance.

Adopting nationalized health care is not the answer. It only adds to the cost through hidden income and payroll taxes financed by seniors and America's work force. Instead, real reform is possible tax incentives to employers and individuals.

Studies show small group health insurance reform is the No. 1 need, and we need to pursue it now.

THE TRUTH ABOUT THE ECONOMY

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

Mr. APPELLEGATE. Mr. Speaker, I hear a lot of Republicans coming up here talking about the October surprise, but I am going to tell you, I do not know about 1980, but there is going to be an October surprise next year in 1992, and it is going to be called the November elections.

I also get a big kick out of hearing them traipse up here to the microphone and say how much better Congress would be if the Republicans controlled the Congress.

Well, I am here to say that Republicans do control the Congress. I mean, you have got 10 years of veto power. We cannot pass anything here. Bush is 24 to 0 right now on vetoes. We cannot override anything.

They blame last year's tax increase in all the problems that we have, but the President did not veto that. I did not vote for it, but that is the argument that they are using to hide the truth, and the truth is that the Reagan-Bush supply-side tax cuts to the rich back in 1981, of 2½ trillion they gave them and a trillion and a half dollars of military increases brought of a result that we had big fat defense contractors, the President's friends, and yet we have American taxpayers who are very hungry and very lean.

I say that we had better wake up, my friends, and find out what the truth really is.

A WINTER OF DISCONTENT

(Mr. CLINGER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, winter has come early to Pennsylvania and it promises to be a winter of discontent. That was certainly reflected in the election last week which saw HARRIS WOFFORD win a stunning upset victory over my old friend Dick Thornburgh. Democrats are ecstatic, Republicans depressed. Is this the start of a Democratic tide? Possibly, but I have my doubts. If anything, it reaffirms an antiincumbent tide. Senator WOFFORD campaigned against Dick Thornburgh as the incumbent—the Washington insider. Thornburgh lost because he represented the establishment—the Government in Washington.

So for me the message from the Pennsylvania election is that Pennsylvanians—and I suspect all Americans look at the Government in Washington and say—it is not working! They see gridlock and stalemates and impasse on tax reform, banking reform, unemployment compensation, and on and on. They are fed up with the lot of us—Republicans, Democrats, Congressmen, Senators, bureaucrats, Cabinet Secretaries, even the President. If any of us thinks that this continuous partisan warfare with no resolution endears us to the hearts and minds of the American people—it is time for a reality check. We are a nation adrift because we have a divided Government.

The plain truth is that a Republican President cannot implement domestic policy because a Democratic Congress will not let him. No wonder he prefers the foreign policy arena. And a Democratic Congress cannot implement policy because a Republican President will not let it. Result—paralysis and doubt. The Democrats yearn for a Democratic President next year and we Republicans yearn for a Republican Congress. The potential tragedy for the country is that we may both get our wish and thus preserve the status quo ante—a divided and paralyzed government.

The solution clearly is to stop trying to score political points off one another and seriously try to compromise on the issues that must be solved. Neither side may be satisfied with the end product, but it would have to be better than what we accomplish now—which is nothing.

□ 1300

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Chair would remind our guests in the gallery that we are delighted to have them here, but they should refrain from reacting either positively or negatively to any statements made by Members on the floor.

CONGRESS SHOULD NOT EXEMPT ITSELF FROM BURDENSOME LAWS

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

Mr. BALLENGER. Mr. Speaker, the smearing of Clarence Thomas may yet have one desirable outcome. It may once and for all alert Americans to the absurdity of allowing an imperial Congress to both put itself above the laws of other Americans and then sit in judgment of other Americans.

The Democrat-controlled Congress has exempted itself from most of the major labor and civil rights laws passed in this century. However, if any small business owners fail to comply with these laws, they must face the full weight of Federal litigation.

When the Democrat-controlled Congress exempts itself from often burdensome labor laws, it sets itself above the people it governs. It did this last week when it refused to allow a congressional coverage amendment to the civil rights bill to be voted on. This week, it refused to allow the same amendment to the Family and Medical Leave Act to be voted on. It is hypocritical and cynical to exempt Congress from such major legislation that we would impose on the American people and the private sector.

Mr. Speaker, now is the time that this double standard must stop. It is time we become accountable to the American people. It is time we ceased being hypocrites.

PRESIDENT BUSH AND VICE PRESIDENT QUAYLE EXEMPTED FROM POST-EMPLOYMENT ETHICS ACT

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

Mr. FRANK of Massachusetts. Mr. Speaker, I am delighted to have Republican interest in a cause that I previously found a lack of interest in.

A few years ago the issue arose as to whether or not employees of the restaurants here could become members of the labor union. There was a House policy that said that they could not be.

Along with the gentleman from Missouri [Mr. CLAY], the gentleman from California [Mr. EDWARDS], and myself, we pushed very hard for that. There was some opposition on the Democratic side. So we approached some Republican Members who were active in this effort to apply the law uniformly. We said, "How about some help in vindicating the right of these employees to join the union?" And we were told, "Well, you know, Republicans aren't that big on that. We don't think it would do very well on our side. So you had better not put it to a vote."

These are two of the Members whom I respected. But they said to me when

some of us were trying to apply basic principles about the rights to join a union to the restaurant employees, we could not get much Republican help.

Then there was a time when we did the Post-Employment Ethics Act in the subcommittee I chaired, and we insisted on covering Members of Congress. Members of Congress cannot leave this place and go back and lobby their former colleagues.

Only two people can, President Bush and Vice President QUAYLE, because President Bush insisted on that as a price for signing the bill.

HEALTH EQUITY AND ACCESS REFORM TODAY

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

Mr. GOSS. Mr. Speaker, can we in good conscience allow the American people to wait while we quarrel among ourselves about our health care problems?

We need health care reform, we need it now, and we all know it.

Mr. Speaker, especially when there is so much need, and when there is a piece of the answer to the problem of the uninsured right under our noses? Mr. Speaker, the situation is now even more urgent than it was many months ago when my colleague NANCY JOHNSON introduced, and I enthusiastically cosponsored, the Health Equity and Access Reform Today Act—better known as the heart bill—legislation providing an affordable benefit package, that would touch many of the working uninsured, who make up a big part of our health care problem. Mr. Speaker, this proposal is doable and should not be controversial. As a matter of fact, the Democratic leadership has followed our lead just recently introducing very similar legislation. We have wasted enough time—this plan is a workable solution to a big part of our current crisis—let's not allow partisan pride of authorship stand in the way. People who are sick want good health care—not good politics.

AMERICANS SHOULD HAVE MORE ACCESS TO AFFORDABLE HEALTH CARE

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

Mrs. JOHNSON of Connecticut. Mr. Speaker, America is angry, America is angry at this Congress. They do not need a half million dollars spent on an October surprise investigation, a purely partisan witch hunt. They need health care reform. Loud and clear they have said to us focus and act, provide universal access to health care, control costs.

Mr. Speaker, many months ago I proposed reforming the small group market so that millions more Americans could have access to affordable health care. Senator BENTSEN, Chairman ROSTENKOWSKI have proposed very thoughtful initiatives in the same area. We know enough; we could do it before Christmas; it would change lives; it would improve the quality of life in America.

Mr. Speaker, I urge my colleagues, let us do it.

INNOVATIVE COST-SAVING PLAN FEATURED AT HENNEPIN COUNTY MEDICAL CENTER

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

Mr. RAMSTAD. Mr. Speaker, the American health care system is in critical condition.

Many constituents tell me they are frightened at the prospect of losing their health insurance due to rising costs. And they are looking to Congress for help.

In developing a health care reform plan, Congress should look at a number of innovative strategies being implemented in Minnesota.

For example, in Minneapolis, Hennepin County Medical Center uses a case management system which has reduced costs by as much as 20 percent.

Under this plan, known as the critical path, doctors and nurses work together to develop patient care guidelines for certain illnesses. Any variances from these guidelines due to error or delay are recorded in the patient's chart.

These variances are then examined by different departments to uncover any problems that unnecessarily increase the length and cost of the patient's stay.

By organizing patient treatment more efficiently, the critical path is providing better quality care for Hennepin County residents while lowering costs for the hospital and its patients.

I encourage others to follow the example of Hennepin County Medical Center by using the case management system as a tool to contain health care costs.

THE KILLING FIELDS IN YUGOSLAVIA MUST STOP

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

Mr. SMITH of New Jersey. Mr. Speaker, on the AP wire out of Zagreb, Yugoslavia, today is the heart-wrenching news that the Serb-dominated Federal army is accelerating its cruel aggression against the breakaway Republic of Croatia. It now appears they are going for the jugular.

According to AP reporter Tony Smith, the Serbs are mercilessly pounding the medieval city of Dubrovnik and the border city of Vukovar. Indiscriminate bombing and shelling is slaughtering the people and many civilians are dying.

Even the EC monitors who are in place narrowly escaped death.

As we sit on the sidelines, Mr. Speaker, an unprovoked war, an act of aggression against the Croat people is being waged.

About 12,000 civilians in Vukovar are right now holed up underground.

On August 31 Congressman FRANK WOLF and I slipped into this war-torn city and saw first hand the devastation wrought by the Federal army and the Serb irregulars.

□ 1310

It is unconscionable, and it must stop. The killing fields of Yugoslavia, Mr. Speaker, must stop. President Milosevic must pull back his army, and just like Iraq's initial plunder against Kuwait did not stand, this aggression, too, must not stand.

AMERICAN VOLUNTEERS—THE HEROES OF OUR TIME

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

Mr. MACHTLEY. Mr. Speaker, I rise today to pay tribute and to say thank you to the many volunteers in this country. I think it is a curious thing for people around the world to see as they watch this great Nation and her people helping one another, often without pay, many times without notoriety, and many other times without even achieving success.

The volunteers across this country are making a difference. They are making a difference in Scouting, in schools, in literacy, in churches, in soup kitchens, in hospitals, in neighborhoods, and even in political organizations. These volunteers who serve without asking for anything but the chance to make someone's life easier or the political process better are the heroes of our time.

Mr. Speaker, let us never be so preoccupied with the problems in this country and this Chamber that we forget to say thank you to the volunteers of this country.

SANTE FE HEALTHCARE OFFERS SUCCESSFUL APPROACH TO HEALTH COST CONTAINMENT

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

Mr. STEARNS. Mr. Speaker, the pleas for health care reform are loud and clear throughout America. How-

ever, with election year closing in we must be careful to avoid politics before policy approaches.

Yesterday, I had the opportunity to meet with administrators of Sante Fe HealthCare, Inc., a nonprofit health care provider headquartered in central Florida. Sante Fe has had great success with its statewide managed care health plan which provides health and wellness services for more than 240,000 Floridians. Through its comprehensive, coordinated approach, Sante Fe has kept cost down and participants' satisfaction levels up.

The difference between Sante Fe's plan and so many other fee-for-service, plans is simple. Primary care providers participating in Sante Fe's plan have great incentives to keep patients healthy—thus keeping cost down. The plan is structured to ensure quality levels of care and the widespread use of preventive services.

Mr. Speaker, we must not continue to shift the costs of our Federal health care programs to others. As we consider health care reform, I hope this body can learn from the success of Sante Fe HealthCare.

OUR EMPTY-HEADED AMERICAN TRADE POLICY

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

Mr. LEVIN of Michigan. Mr. Speaker, on trade issues, Secretary of State Baker left Japan the way he arrived, empty handed—empty handed because the administration has no ideas about trade or about opening foreign markets or about helping American businesses export to Japan.

Despite a \$40 billion deficit with Japan, the administration's approach has been one of talk, not action. We have \$30 billion of our deficits in autos and auto parts, and all the administration is doing is to set up study groups with the Japanese. Japanese auto companies announced recently that they will buy more auto parts. Promises are fine, but the test will be performance.

Mr. Speaker, why should a competitor take us seriously if we do not act seriously? Secretary Baker left empty handed because American trade policy has been empty headed.

OCTOBER SURPRISE—THE LATEST IN FACT OR FICTION

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

Mr. COX of California. Mr. Speaker, the publishing industry has had difficulty lately classifying its new books into fiction and nonfiction. First we had Kitty Kelly's biographies of Frank Sinatra and Nancy Reagan which clev-

erly melded fact into fiction. Then we had Geraldo's description of his own sex life which he has been trying to pass on as his autobiography.

Now, Gary Sick is continuing this trend with his own book as he states as fact that Jimmy Carter did an arms-for-hostage deal, and that Ronald Reagan as a candidate tried to delay the release of the American hostages.

Now, if the Republicans were in charge of the Congress, I do not think we would be doing much about any of these books, but the entrenched Democrat majority that has controlled this Congress for nearly 4 decades is scheduling a full-blown show trial based on the Gary Sick book. The New Republic and Newsweek, neither of which is known as a partisan Republican organ, have both proclaimed this October surprise theory as high fiction. The General Accounting Office conducted a secret investigation that did not support Gary Sick's conclusions.

Unfortunately, the Democrats are looking for their own Clarence Thomas hearings. I think we ought to be very much more careful about how we classify "fact" and "fiction," and watch out for "you're next."

CONTINUATION OF IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. McNULTY) laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of today, Tuesday, November 12, 1991.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules.

□ 1320

JUDICIAL NATURALIZATION AMENDMENTS OF 1991

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3049) to amend the Immigration and Nationality Act to restore authority in courts to naturalize persons as citizens, as amended.

The Clerk read as follows:

H.R. 3049

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Judicial Naturalization Amendments of 1991".

SEC. 2. COURT AUTHORITY TO ADMINISTER OATHS OF ALLEGIANCE FOR NATURALIZATION.

(a) IN GENERAL.—Subsection (b) of section 310 of the Immigration and Nationality Act (8 U.S.C. 1421), as amended by section 401(a) of the Immigration Act of 1990, is amended to read as follows:

"(b) COURT AUTHORITY TO ADMINISTER OATHS.—

"(1) JURISDICTION.—Subject to section 337(c)—

"(A) GENERAL JURISDICTION.—Except as provided in subparagraph (B), each applicant for naturalization may choose to have the oath of allegiance under section 337(a) administered by the Attorney General or by an eligible court described in paragraph (5). Each such eligible court shall have authority to administer such oath of allegiance to persons residing within the jurisdiction of the court.

"(B) EXCLUSIVE AUTHORITY.—An eligible court described in paragraph (5) that wishes to have exclusive authority to administer the oath of allegiance under section 337(a) to persons residing within the jurisdiction of the court during the period described in paragraph (3)(A)(i) shall notify the Attorney General of such wish and, subject to this subsection, shall have such exclusive authority with respect to such persons during such period.

"(2) INFORMATION.—

"(A) GENERAL INFORMATION.—In the case of a court exercising authority under paragraph (1), in accordance with procedures established by the Attorney General—

"(i) the applicant for naturalization shall notify the Attorney General of the intent to have the oath of allegiance administered by the court, and

"(ii) the Attorney General—

"(I) shall forward to the court (not later than 10 days after the date of approval of an application for naturalization in the case of a court which has provided notice under paragraph (1)(B)) such information as may be necessary to administer the oath of allegiance under section 337(a), and

"(II) shall promptly forward to the court a certificate of naturalization (prepared by the Attorney General).

"(B) ASSIGNMENT OF INDIVIDUALS IN THE CASE OF EXCLUSIVE AUTHORITY.—If an eligible court has provided notice under paragraph (1)(B), the Attorney General shall inform each person (residing within the jurisdiction of the court), at the time of the approval of the person's application for naturalization, of—

"(i) the court's exclusive authority to administer the oath of allegiance under section 337(a) to such a person during the period specified in paragraph (3)(A)(i), and

"(ii) the date or dates (if any) under paragraph (3)(A)(ii) on which the court has scheduled oath administration ceremonies.

If more than one eligible court in an area has provided notice under paragraph (1)(B), the Attorney General shall permit the person, at the time of the approval, to choose the court to which the information and certificate will be forwarded under subparagraph (A)(ii).

"(3) SCOPE OF EXCLUSIVE AUTHORITY.—

"(A) LIMITED PERIOD AND ADVANCE NOTICE REQUIRED.—The exclusive authority of a court to administer the oath of allegiance under paragraph (1)(B) shall apply with respect to a person—

"(i) only during the 45-day period beginning on the date on which the Attorney General certifies to the court that an applicant is eligible for naturalization, and

"(ii) only if the court has notified the Attorney General, prior to the date of certification of eligibility, of the day or days (during such 45-day period) on which the court has scheduled oath administration ceremonies.

"(B) AUTHORITY OF ATTORNEY GENERAL.—Subject to subparagraph (C) and section 337(c), the Attorney General shall not administer the oath of allegiance to a person under subsection (a) during the period in which exclusive authority to administer the oath of allegiance may be exercised by an eligible court under this sub-section with respect to that person.

"(C) WAIVER OF EXCLUSIVE AUTHORITY.—Notwithstanding the previous provisions of this paragraph, a court may waive exclusive authority to administer the oath of allegiance under section 337(a) to a person under this subsection if the Attorney General has not provided the court with the certification described in subparagraph (A)(1) within a reasonable time before the date scheduled by the court for oath administration ceremonies.

"(4) ISSUANCE OF CERTIFICATES.—The Attorney General shall provide for the issuance of certificates of naturalization at the time of administration of the oath of allegiance.

"(5) ELIGIBLE COURTS.—For purpose of this section, the term 'eligible court' means—

"(A) a District Court of the United States in any State, or

"(B) any court of record in any State having a seal, a clerk, and jurisdiction in actions in law or equity, or law and equity, in which the amount in controversy is unlimited."

(b) CONFORMING AMENDMENTS.—

(1) FUNCTIONS OF CLERKS.—Section 339(a) of such Act (8 U.S.C. 1450(a)) is amended—

(A) by striking paragraph (1) and inserting the following:

"(1) deliver to each person administered the oath of allegiance by the court pursuant to section 337(a) the certificate of naturalization prepared by the Attorney General and forwarded to the court under section 310(b)(2)(A)(i)(II)."

(B) in paragraph (2), by inserting "a list of applicants actually taking the oath at each scheduled ceremony and" after "Attorney General",

(C) by striking paragraph (3),

(D) in paragraph (4), by striking the period at the end and inserting ", and" and by redesignating such paragraph as paragraph (3),

(E) by inserting after paragraph (3), as so redesignated, the following new paragraph: "(4) be responsible for all blank certificates of naturalization received by them from time to time from the Attorney General and shall account to the Attorney General for them whenever required to do so.", and

(F) by adding at the end the following: "No certificate of naturalization received by any clerk of court which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificates shall be returned to the Attorney General."

(2) EXPEDITED ADMINISTRATION OF OATHS.—Subsection (c) of section 337 of such Act (8 U.S.C. 1448) is amended to read as follows:

"(c) Notwithstanding section 310(b), an individual may be granted an expedited judicial oath administration ceremony or administrative naturalization by the Attorney General upon demonstrating sufficient cause. In determining whether to grant an expedited judicial oath administration ceremony, a court shall consider special circumstances (such as serious illness of the applicant or a member of the applicant's immediate family, permanent disability sufficiently incapacitating as to prevent the applicant's personal appearance at the scheduled ceremony, developmental disability or advanced age, or exigent circumstances relating to travel or employment). If an expedited judicial oath administration ceremony is impracticable, the court shall refer such individual to the Attorney General who may provide for immediate administrative naturalization."

(3) FEES.—Section 344 of such Act (8 U.S.C. 1455) is amended by adding at the end the following new subsection:

"(f) The Attorney General shall pay over to courts administering oaths of allegiance to persons under this title one-half of all fees, up to the sum of \$40,000, described in subsection (a)(1) collected by the Attorney General with respect to persons administered the oath of allegiance by the respective courts during each fiscal year."

(c) EFFECTIVE DATE.—The amendments made by this Act shall take effect 30 days after the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Texas [Mr. SMITH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

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

Mr. Speaker, I rise in support of H.R. 3049, the Judicial Naturalization Amendments of 1991.

H.R. 3049 addresses an issue created by provisions relating to naturalization in the Immigration Act of 1990. That legislation, in an effort to streamline the naturalization process, transferred many of the naturalization functions from the exclusive jurisdiction of the courts to an administrative agency, the Immigration and Naturalization Service.

While these changes may increase efficiency in processing aliens approved for naturalization, the provisions went too far in one important respect. The legislation took away from the courts, for the first time, the exclusive authority to conduct oath-taking ceremonies—the heart of the process of attaining citizenship.

Taking the solemn oath of citizenship is one of the most memorable events in the life of every naturalized American. In a sense, it is a moment when the social compact between all Americans is reaffirmed and extended to new citizens. Witnessing such a ceremony is both moving and uncompromisingly patriotic. As the Federal judges have recognized, there is no better place to accept the rights and obligations of citizenship than in a dig-

nified courtroom before a judge—the keeper of the flame of justice which has distinguished America since its birth.

H.R. 3049 addresses this issue by restoring exclusive authority to courts to conduct oath-taking ceremonies during the 45-day period following INS approval of the application for naturalization. After the 45-day period, the court or the Immigration and Naturalization Service can give the oath.

Mr. MAZZOLI, chairman of the Subcommittee on International Law, Immigration, and Refugees, deserves congratulations for bringing this bill forward. I also wish to thank Mr. MCCOLLUM, ranking member of the subcommittee and Mr. SMITH of Texas, a distinguished member of the minority, for their good work in support of this legislation.

Adoption of this legislation will once again restore oath-taking ceremonies to the dignified stature which reflects the significance of attaining citizenship. I urge the Members to support it.

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

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

I would like to congratulate the subcommittee chairman, Mr. MAZZOLI, for the work he has done on this bill.

He has been very forthcoming in addressing two concerns.

One is the need for an expedited naturalization process under exigent circumstances, and the other is maintaining sole naturalization authority in the Attorney General while providing for judicial administration of the oath of allegiance.

By keeping the paperwork involved in naturalization centralized in the Immigration and Naturalization Service, H.R. 3049 provides for administrative efficiency.

By giving the courts an exclusive but limited jurisdiction over administering the oath of allegiance, it promotes a sense of momentousness for the naturalization of new citizens.

Under this bill, if an eligible court does not choose to exercise its jurisdiction, or if it cannot schedule an oath administering ceremony within 45 days, the court's authority will not be exclusive, and the applicant will be able to choose whether to wait for a judicial ceremony or participate in an administration ceremony.

Because there are instances where a 45-day delay in naturalization could work a hardship, H.R. 3049 also provides for an expedited process for administration of the oath in instances where the naturalization applicant can show exigent circumstances.

This bill expedites naturalization while maintaining the sense of solemnity that rightly should accompany such an important event in a person's life.

Both the Department of Justice and the Administrative Office of the United States Courts are generally supportive of H.R. 3049.

It is a fair compromise, and I encourage my colleagues to support it.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 3049, the Judicial Naturalization Amendments of 1991, and I wish to commend the distinguished chairman of the subcommittee, the gentleman from Kentucky [Mr. MAZZOLI], and the gentleman from Florida, the ranking minority member [Mr. MCCOLLUM] for their timely work on this measure.

Mr. Speaker, H.R. 3049 would grant sole authority to courts of jurisdiction to hold swearing-in ceremonies for immigrants within 45 days after their naturalization applications have been approved. Under the Immigration Act of 1990, the Immigration and Naturalization Service was granted authority to administer the swearing-in ceremonies. While immigrants may now choose whether to be sworn in by the INS or the courts, the Judicial Conference of the United States has noted that swearing-in ceremonies administratively conducted by the INS are an inadequate substitute for the ceremonies traditionally held in the courts.

Over the years, naturalization swearing-in ceremonies have become an important aspect of local court duties, and have been an integral part of the immigration process. For several reasons, it is important that we work to retain the holding of naturalization ceremonies in local courts.

First, when immigrants are naturalized in their local communities, it affords them an opportunity to become acquainted with the seat of their local government, and often provides them with an opportunity to meet and be welcomed by their local elected officials.

Second, it is easier for friends and family of immigrants to attend naturalization ceremonies held in local communities. This is important, as the taking of the oath of citizenship is often a joyous and emotional occasion in an applicant's life. It is only right that the relatives and friends be afforded every opportunity to share in this occasion. At the same time it enables loved ones to attend an immigrant's swearing-in ceremony, local naturalization also helps to make communities aware of the new citizens that are joining them.

Mr. Speaker, the rights and responsibilities of American citizenship should never be undertaken lightly. By giving the local courts sole authority to naturalize immigrants, we permit family, friends, and local officials to share in a joyous occasion, and we help to insure that the ceremony will be

meaningful and be remembered by both the new citizens and their local communities.

Accordingly, I urge my colleagues to support this measure.

Mr. BROOKS. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI], the chairman of the Subcommittee on International Law, Immigration, and Refugees of the Committee on the Judiciary.

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

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

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I confess to being less enthusiastic about this bill than some Members. This is based in part on experiences I have had.

Mr. Speaker, let me just begin with this. I received when I was on the Subcommittee on International Law, Immigration, and Refugees, very admirably chaired by the gentleman from Kentucky [Mr. MAZZOLI], a lot of complaints from people being sworn in about the delays and problems they encountered in the courts.

Mr. Speaker, I admire the willingness of the courts collectively to take this on, and I hope that all the judges will understand that on their behalf a very solemn promise has been made to treat fairly and quickly these people. We have had some stories about people having to wait long times and being somewhat rudely treated.

Mr. Speaker, now that the courts are going to be getting this back, I hope they will treat it very, very seriously, because I intend, and I know others do, to monitor this. If we have problems again, as idyllic as it is to have the ceremonies there, we may come back and say we have to go back to the current way.

Mr. Speaker, I would ask the gentleman from Kentucky [Mr. MAZZOLI]—and I appreciate his concern with trying to expedite the process—am I correct that there are some procedural things we are talking about involving the waiver of fees and elsewhere that will meet some of the concerns that have been raised?

Mr. MAZZOLI. Mr. Speaker, reclaiming my time, the gentleman is correct. The gentleman from Massachusetts [Mr. FRANK] and I have had conversations, and I have assured him, and I assure the House, who I hope will vote for this overwhelmingly, that the gentleman from Kentucky and the Subcommittee on International Law, Immigration, and Refugees will conduct vigorous oversight of this measure and how it performs in the future.

Mr. Speaker, I would suggest to my friend from Massachusetts [Mr. FRANK] that I believe this is the first time in the history of immigration law that we

have ever put any limitations of time upon the Federal courts. I think the gentleman's concerns have been reflected in letters we have received and are certainly founded. There are times when the courts have been a little bit less on the move to get to this case-load.

□ 1330

We now put a limitation of 45 days and if they perform, and we think most will, then we would then have the trappings and the ceremonial aspect of the naturalization which we all feel is very important.

If, however, the court cannot adhere to the 45-day docket, then the applicant can go completely through the administrative procedure. And I would lastly suggest to my friend, there are certain elements in here which provide not only waivers but the exercise of exigent circumstances which would provide for expedition both in the court setting and in the administrative side.

Mr. FRANK of Massachusetts. If the gentleman will continue to yield, I acknowledge that my disdain for ceremony may be one of several peculiarities on my part. I do not expect to impose it on the whole body.

I would say to the chairman of the subcommittee that, as I understand it, there are some technical questions involving waivers and fees which I hoped we could work out even in this particular version.

Mr. MAZZOLI. Mr. Speaker, I would certainly suggest, definitely we shall. Some of these might be dealt with in the conference that would ensue on the bill with the Members of the other body. Some would come from the oversight which then would be reflected in legislation that would deal with waivers and deal with fees.

With the gentleman's help, we will have, next springtime, the first of a series of hearings and meetings on the question of the Immigration Service and its fee structure and its requests for money. I think in that setting the gentleman will have every opportunity to get into the fee structure.

Mr. FRANK of Massachusetts. Mr. Speaker, I know some of the Latino elected officials have some understandable concerns. I hope that we can address a couple of those issues on the waivers in terms of the way it works between now and passage.

I welcome, because I know the gentleman from Kentucky always carries out what he has promised, he has been very diligent in this work on immigration and oversight. I think Members can be assured that we will do everything we can to make sure this system works fully to the advantage of those being sworn in.

If anything should develop that inadvertently shows it was not working to their advantage, I am confident it will be addressed.

Mr. MAZZOLI. Mr. Speaker, the oversight will show it.

Mr. Speaker, the purpose of H.R. 3049 is simple: To ensure that Federal as well as State courts can continue their traditional roles in administering oaths of allegiance to new American citizens.

The bill reinstates the longstanding procedure under which—prior to 1990—immigrants who are eligible for naturalization as citizens of the United States participate in formal oath of allegiance ceremonies held in courtrooms and presided over by Federal or State judges. At the same time, the bill ensures that naturalization is accomplished in a timely manner.

The 1990 Immigration Act conferred exclusive naturalization authority on the Immigration and Naturalization Service [INS] even though it allows an applicant to take the oath of allegiance from a judge. H.R. 3049 changes in an appropriate way the 1990 act.

Under H.R. 3049, the authority to administer oaths of allegiance would repose in the courts for a 45-day period beginning when the INS has completed and approved an applicant's paperwork.

Under the bill, a court wishing to resume the historic role of courts in the naturalization process—a role limited by the 1990 act—would be required to provide to the applicant and to the INS a schedule of dates—within that 45-day period—on which the court will conduct naturalization ceremonies.

Under the bill, declining to submit or to comply with the 45-day timetable results in the automatic waiver of the court's jurisdiction.

And, whenever there is an automatic waiver the prospective citizen can elect to participate in an administrative naturalization ceremony conducted by and before an INS officer which includes the oath of allegiance.

The legislation also provides for an emergency oath-taking ceremony whenever the applicant can show special or exigent circumstances. Individuals who are seriously ill or disabled or who have illness in their families or who are old will be able to avail themselves of this procedure. Similarly, it is not uncommon for persons who work for companies which do business with the Federal Government to discover that U.S. citizenship is a prerequisite for continuing in their jobs. Again, the bill would take care of those people and other such difficult situations.

Under the bill, a person wishing an expedited procedure would ask for it from the appropriate court. If for whatever reason the court is unable to do it the court would refer the case to INS with a request that INS handle the case as quickly as possible.

The bill therefore continues the courts' traditional and historical role in naturalizations, while allowing courts the option to decline jurisdiction temporarily when their dockets

cannot accommodate the timely scheduling of naturalizations.

The Federal courts strongly support the enactment of this legislation which assures them a role in the naturalization process so long as they wish to play such a role.

Under the bill, any time delay between the oath-taking ceremony and the award to the newly sworn citizen of the certificate of naturalization will be eliminated, such delays are inevitable in the 1990 act, which requires the newly sworn citizen to go back to the INS to pick up the certificate of naturalization.

Moreover, the bill eliminates unnecessary paperwork and streamlines procedures for completing the act of naturalization. This bill therefore addresses the intent of the 1990 act, which was to streamline the naturalization process by reducing paperwork and overlapping administrative responsibilities of the Federal courts and the INS.

I urge my colleagues to support H.R. 3049.

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of H.R. 3049, the Judicial Naturalization Amendments of 1991. As a cosponsor of the bill, I would like to salute the gentleman from Kentucky for drafting this legislation and for bringing it to the floor.

Mr. Speaker, sometimes, despite our best intentions, Congress passes laws which have unintended and unfortunate consequences. This was the case with the immigration bill Congress passed in 1990.

On the surface, the move toward administrative naturalization included in the 1990 Immigration Act made sense. It was enacted in response to perceived delays in naturalization caused by a heavy workload in the courts.

This shift to administrative naturalization, however, had some unintended consequences. The simple, dignified citizenship ceremony, administered by a judge, had been replaced by a bureaucratic procedure. Becoming an American citizen is a momentous occasion. This moment deserves special recognition and attention as we welcome new Americans into the fold.

I received a letter from Chief Judge Judith N. Keep of the U.S. district court for the Southern District of California on this matter this summer. She stated that for many, the effort to become an American citizen is a long and difficult process and that the dignity and solemnity of the occasion merits the presence of a judge. As someone who has participated in citizenship ceremonies and witnessed the tremendous outpouring of emotions, I strongly agree with Judge Keep.

That is why I am so pleased with the form taken by the legislation before us. H.R. 3049 restores the option of judicial naturalization for new Americans. It also allows the applicant to select administrative naturalization and permits administrative naturalization if an overburdened court cannot schedule naturalization ceremonies. I believe that this balance is healthy and will be a tremendous improvement for the courts, the Immigration and Naturalization Service, and for the newest American citizens.

Mr. Speaker, once again, I congratulate my friend from Kentucky, Mr. MAZZOLI, for his leadership and swift action to correct this oversight. I encourage my colleagues to join me in supporting H.R. 3049.

Mrs. LOWEY of New York. Mr. Speaker, I rise today to urge the passage of this bill, and to commend Chairman MAZZOLI for bringing it forward. I had drafted and was prepared to introduce similar legislation earlier this year in response to the very compelling case made in this regard by my good friend, the Honorable Andy Spano, the county clerk of Westchester County, NY. In light of that, I was delighted to see that the chairman of the Immigration Subcommittee shared my desire to pass legislation returning the function of naturalization to its traditional home in our court system.

Talk to any naturalized American citizen, Mr. Speaker, and chances are good that you will hear the proudly told story of the day on which that person was sworn in as a citizen. Every week, all across America, in town halls and county courthouses, new Americans take the oath of citizenship in the presence of their families and neighbors. In so doing, they not only satisfy the formal requirements of the law, they certify the choice that they have made for their lives—to adopt a new home, to become members of a new community. It is one of the most memorable moments in the life of a citizen.

Unfortunately, the immigration bill enacted in the last Congress cast a dark shadow over these moving ceremonies. The complexities of modern life gave rise to a situation where the stately and very personalized process of naturalization caused too many bureaucratic difficulties for the INS. The response to this situation was a provision in last year's immigration reform bill which made naturalization an administrative procedure.

While that move made bureaucratic sense to the INS, it sacrificed something special. An enduring moment was supplanted by a sterile action of the Federal bureaucracy.

The bill before us today will correct that flaw by restoring to new Americans the choice of obtaining their citizenship in a time-honored and dignified judicial ceremony. By doing so, it will provide new citizens with the opportunity to enter into the fullest kind of citizenship—not just of this great country, but of the towns, counties, and communities they have chosen as their own. It will provide them an opportunity to show their pride in their new citizenship as well.

The bill before us, Mr. Speaker, will not be written about in the history books. But it will enrich the personal histories of countless American families. I salute the chairman for moving this legislation, and urge my colleagues to give it their full support.

Mr. MICHEL. Mr. Speaker, I am pleased to support and cosponsor this important legislation, H.R. 3049, the Judicial Naturalization Amendments of 1991.

This legislation is a good compromise for judges who take pride and pleasure administering the oath to new citizens and for immigrants who want to take their oath of citizenship in a timely fashion.

I have heard from several judges, including the Honorable Michael Mihm, U.S. district judge in Peoria, who have expressed concern

over the effects of last year's immigration bill. This legislation is a result of the efforts of such individuals like Judge Mihm.

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

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3049, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read:

A bill to amend the Immigration and Nationality Act to restore certain exclusive authority in courts to administer oaths of allegiance for naturalization.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

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

There was no objection.

ELIMINATING CERTAIN OBSOLETE REPORTING REQUIREMENTS FOR THE DISTRICT OF COLUMBIA

Mr. DELLUMS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2626) to eliminate certain obsolete reporting requirements for the District of Columbia.

The Clerk read as follows:

H.R. 2626

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

SECTION 1. ELIMINATION OF REPORTING REQUIREMENTS.

(a) SETTLEMENTS OF CLAIMS AGAINST DISTRICT.—Section 3 of the Act of February 11, 1929 (Chapter 173; sec. 1-1204, D.C. Code) is amended by striking the first sentence.

(b) WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION.—Public Law 86-794 (sec. 1-2411 et seq., D.C. Code) is amended by striking subsection 7(b) and relettering (c) as (b).

(c) PUBLIC DEFENDER SERVICE.—The first sentence of section 306(a) of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 1-2706(a), D.C. Code) is amended by striking "to the Congress of the United States,".

(d) DWELLINGS IN ALLEYS.—Section 5 of the District of Columbia Alley Dwelling Act (sec. 5-106, D.C. Code), is amended by striking "which he shall transmit to the Congress at the beginning of each regular session,".

(e) OFFICE OF EMERGENCY PREPAREDNESS.—Section 6 of the Act of August 11, 1950 (sec.

6-1408, D.C. Code), is amended to read as follows:

"SEC. 6. The Office of Emergency Preparedness shall submit to the Mayor and the Council an annual report of its activities and expenditures under this Act."

(f) TRANSFER OF JURISDICTION OVER PROPERTY BETWEEN UNITED STATES AND DISTRICT OF COLUMBIA.—Section 1 of the Act entitled "An Act to authorize the transfer of jurisdiction over public land in the District of Columbia," approved May 20, 1932 (sec. 8-111, D.C. Code), is amended by striking the second proviso.

(g) APPLICATIONS TO COURTS FOR CONDUCTING WIRETAPS.—Section 23-555(b), D.C. Code, is amended by striking "the Congress of the United States and".

(h) ADMINISTRATION OF THE DISTRICT OF COLUMBIA PRETRIAL SERVICES AGENCY.—(1) Section 23-1307, D.C. Code, is amended by striking "to the Congress of the United States, and".

(2) The heading of section 23-1307, D.C. Code, is amended by striking "Congress,".

(3) The table of sections for chapter 13 of title 23, D.C. Code, is amended in the item relating to section 23-1307 by striking "Congress,".

(i) PROGRAMS FOR REHABILITATION OF ALCOHOLICS.—Section 13(a), of the Act August 4, 1947 (Chapter 472; sec. 24-533(a), D.C. Code), is amended by striking "his program, and shall from time to time submit to the Congress such recommendations for".

(j) CHARITABLE INSTITUTIONS.—The Act of July 5, 1884 (Chapter 227; sec. 32-1201, D.C. Code) is amended in the matter under the heading "FOR MAINTAINING INSTITUTIONS OF CHARITY, REFORMATORIES, AND PRISONS" by striking the last paragraph.

(k) INSURANCE COMPANIES DOING BUSINESS IN DISTRICT.—The Act of May 18, 1910 (Chapter 248; sec. 35-107, D.C. Code) is amended in the matter under the heading "GENERAL EXPENSES" by striking the proviso in the paragraph entitled "DEPARTMENT OF INSURANCE".

(l) APPRENTICESHIP COUNCIL.—Section 4 of the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia," approved May 21, 1946 (sec. 36-404, D.C. Code) is amended by striking "to the Congress and".

(m) ACCOUNTS OF PUBLIC UTILITIES.—Paragraph (14) of section 8 of the Act of March 4, 1913 (Chapter 150; sec. 43-513, D.C. Code), is amended by striking "and a copy thereof transmitted to the Congress".

(n) GAS COMPANIES DOING BUSINESS IN DISTRICT.—The Act of March 2, 1907 (Chapter 2510; sec. 43-1106, D.C. Code) is amended in the matter under the heading "ELECTRICAL DEPARTMENT" by striking the 4th provision and all that follows in the 6th paragraph.

(o) STATUS OF HOME PURCHASE ASSISTANCE FUND.—Section 6(b) of District of Columbia Law 2-103 (sec. 45-2205(b), D.C. Code) is amended by striking "to the Congress of the United States and".

(p) UNEMPLOYMENT FUND.—(1) Section 2 of the Act entitled "An Act to provide for unemployment compensation in the District of Columbia, authorize appropriations, and for other purposes," approved August 28, 1935 (sec. 46-102, D.C. Code), is amended by striking "and shall include a statement of such status in its yearly report to Congress".

(2) Section 13(d) of such Act (sec. 46-114(d), D.C. Code) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2).

(3) The 6th sentence of section 14(a) of such Act (46-115(a), D.C. Code) is amended by striking "in its annual report to Congress,

provided in section 13(c) of this Act," and inserting "in an annual report to the Mayor".

(q) **USE OF TAX-EXEMPT PROPERTY.**—Section 3(a) of the Act entitled "An Act to define the real property exempt from taxation in the District of Columbia.", approved December 24, 1942 (sec. 47-1007(a), D.C. Code), is amended by striking the third sentence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

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

Mr. Speaker, H.R. 2626 would eliminate 17 annual reports from various D.C. agencies and utilities to Congress that are no longer needed.

Sixteen of these reports predate the 1973 Home Rule Act. Such reports should now be made to the council of the District of Columbia, if at all.

The obsolete reporting requirements we are eliminating in this bill date back to 1884, 1907, 1913, et cetera.

The bill does not eliminate reports still useful to Congress—such as reports from the council of the District of Columbia on acts they have passed, reports from Metro, from the University of the District of Columbia, from the D.C. Retirement Board, from the General Accounting Office, from Saint Elizabeth's Hospital and D.C. Armory Board.

Mr. Speaker, H.R. 2626 is non-controversial in nature and is supported by my good friend from Virginia, the ranking Republican member of the District of Columbia Committee, Mr. THOMAS BLILEY.

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

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

Mr. Speaker, I fully support H.R. 2626, a bill to eliminate obsolete reporting requirements currently imposed upon the District of Columbia.

Prior to the enactment of home rule, Congress necessarily required a variety of reports from the District concerning various city functions. These reports were meant to facilitate hands-on supervision of city affairs by the Congress or to allow Congress to better monitor the implementation of then recently enacted legislation pertaining to the District. The enactment of home rule and the passage of time have rendered such reports meaningless to the Congress and an unnecessary burden on both the local government and the Congress.

Mr. Speaker, this bill abolishes 17 different reports, including reports to Congress on claims and suits settled by the Mayor, annual reports from the local public defender service and the local pretrial services agency, as well as from other local government entities normally answerable to the Mayor

or other local officials. There is little reason why the District should be bothered to prepare such reports or why the Congress should be bothered to read them.

Enacting H.R. 2626 is an act of good government that promotes the efficient operation of the local government and of the Congress. I support it fully.

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

Mr. DELLUMS. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I want to thank the distinguished chairman and the distinguished ranking member for the valuable time they have put in to eliminate these reporting requirements and particularly the staff that has had to go through the reports to see which were obsolete. The reports are now those which are still useful to be made to the council in appropriate recognition of home rule. Moreover, this bill will promote greater efficiency in the District because it will allow the District to eliminate those reporting requirements which are altogether obsolete.

I thank the two distinguished Members.

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Mr. DELLUMS. Mr. Speaker, I would conclude by simply stating that I urge all of my colleagues to support H.R. 2626, the bill before the House.

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from California [Mr. DELLUMS] that the House suspend the rules and pass the bill, H.R. 2626.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 2626, the bill just passed.

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

There was no objection.

WAIVING THE PERIOD OF CONGRESSIONAL REVIEW FOR CERTAIN DISTRICT OF COLUMBIA ACTS

Mr. DELLUMS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3709) to waive the period of congressional review for certain District of Columbia acts and to permit the Council of the District of Columbia to enact laws relating to attorneys and the representation of indigents in criminal cases, as amended.

The Clerk read as follows:

H.R. 3709

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

SECTION 1. WAIVER OF CONGRESSIONAL REVIEW PERIOD FOR CERTAIN DISTRICT OF COLUMBIA ACTS.

(a) **WAIVER.**—Notwithstanding section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act, each of the District of Columbia acts described in subsection (b) shall take effect on the date of the enactment of this Act.

(b) **ACTS DESCRIBED.**—The District of Columbia acts referred to in subsection (a) are as follows:

(1) The District of Columbia Government Comprehensive Merit Personnel Act of 1978 Temporary Amendment Act of 1991 (D.C. Act 9-85).

(2) The District of Columbia Regional Airports Authority Act of 1985 Temporary Amendment Act of 1991 (D.C. Act 9-88).

(3) The Board of Education Special Election Act of 1991 (D.C. Act 9-89).

(4) The Closing of a Public Alley and Abandonment of an Easement in Square 488, S.O. 86-267, Act of 1988 Covenant Modification Temporary Act of 1991 (D.C. Act 9-90).

(5) The Closing of Glover Archbold Parkway N.W., Temporary Act of 1991 (D.C. Act 9-93).

(6) The Uniform Law on Notarial Acts Amendment Act of 1991 (D.C. Act 9-94).

(7) The Residential Property Tax Relief Act of 1977 Application Deadline and Free Clinic Assistance Program Act of 1986 Extension Temporary Amendment Act of 1991 (D.C. Act 9-95).

(8) The District of Columbia Commission on Baseball Act of 1991 (D.C. Act 9-96).

Amend the title so as to read: "A bill to waive the period of Congressional review for certain District of Columbia acts."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. DELLUMS] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. BLILEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 3709, as amended, is similar to bills brought by the Committee on the District of Columbia at the end of sessions of Congress in recent years. With Congress going on recess until 1992, many council acts adopted this fall would not take effect until February or March.

Mr. Speaker, H.R. 3709, as amended, is not a general waiver. I would like to underscore that. The council acts affected are all listed in this bill in very specific fashion.

Mr. Speaker, further, H.R. 3709 as amended has the full support of the entire Committee of the District of Co-

lumbia, including the distinguished gentleman from Virginia [Mr. BLILEY], the ranking minority member of the District of Columbia Committee.

The list in H.R. 3709 of legislative acts adopted by the Council of the District of Columbia and permitted to become law without the usual waiting period of Section 602 of the District of Columbia Home Rule Act includes:

First D.C. Act 9-85, the modified reduction in force [RIF] procedure that will allow 2,000 excess administrative positions in grades DS 11 and above in the D.C. government to be eliminated. One round of competition for positions in an employee's competitive level is permitted for affected employees. Appeal procedures are allowed before a temporary panel of the office of employee appeals. Severance pay and bonus creditable service years are permitted for employees with veteran's preferences or residency preferences.

Second, D.C. Act 9-88, the maximum civil penalty for noise violations at National and Dulles Airports is raised from the present \$2,500 to \$5,000. Conformity between District of Columbia and Virginia laws is also set.

Third, D.C. Act 9-89, requires special elections to fill vacancies on the board of education within about 16 weeks unless an election day is already planned within 60 days of that time.

Fourth, D.C. Act 9-90, permits Washington Properties, Inc. to make three instead of one curb cut into the Sixth Street side of their property in the southern portion of square 488 which is bound by F Street NW. on the north, E Street on the south, Fifth Street on the east and Sixth Street on the west. The closing of a 10-foot alley has already been approved, allowing the office building being built there to have 8,900 additional square feet of commercial space.

Fifth, D.C. Act 9-93, allows closing of the easement for Glover Archbold Parkway NW. between Upton and Van Ness Street NW.—reverting to the adjacent owners—and establishes a new street easement to the east, known as 40th Place NW.

Sixth, D.C. Act 9-94, requires that a certificate of notarial act include the official stamp or seal or office of the notary, and repeals a model short form for certifying copies of documents.

Seventh, D.C. Act 9-95, extends until September 30, 1991, the deadline for filing applications for the homestead deduction and senior citizen property tax relief which would be applicable to the tax year beginning July 1, 1991. Refunds would be made by January 15, 1992. A nongermane amendment corrects an enrollment error and extends the Free Clinic Assistance Program for 5 years.

Eighth, D.C. Act 9-96, reestablishes the 17-member commission on baseball for 2 years, to advise regarding a professional baseball team and citizen participation in amateur baseball.

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

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

Mr. Speaker, I support H.R. 3709, a bill to waive the 30 day congressional review period on certain acts passed by the District of Columbia Council. Failure

to waive review could delay until next year the date upon which the council acts referenced in the bill take effect and create unnecessary further inefficiencies in the management of local affairs—most particularly with respect to the Mayor's efforts to downsize city government.

Although I support H.R. 3709 and will vote to approve it, I nevertheless have certain reservations about the wisdom of some of the measures that are referenced within it.

For example, Mr. Speaker, this bill will waive review on D.C. Act 9-89, which authorizes yet more special elections within the District of Columbia. According to the council report on that legislation, the costs of a special election in the District may range anywhere from \$65,000 to \$275,000. Those estimates are conservative. According to the D.C. Board of Elections, the special election held in the District on November 5 of this year cost the taxpayers almost \$300,000.

I do not think that D.C. Act 9-89 is so unwise that it would prompt a Member to introduce a resolution of disapproval, nor do I see any purpose to delay its effective date until next year. But I cannot help but marvel that the District, currently in the throes of a fiscal crisis, would choose this time to impose new and potentially quite substantial economic burdens upon itself.

In closing, Mr. Speaker, let me say that I do support H.R. 3709 and the purpose of this legislation which is to allow council acts which do not meet the tests we have for requiring disapproval to become effective in a timely manner.

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

Mr. DELLUMS. Mr. Speaker, I yield 5 minutes to my distinguished colleague the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I want to thank the gentleman from California [Mr. DELLUMS], the chairman of the committee, and the gentleman from Virginia [Mr. BLILEY], the ranking minority member, for allowing these bills to be waived so that they may go into effect immediately in the District of Columbia. Not only will this promote greater efficiency in our own process in the District of Columbia, but such a waiver bars hardship that is often entailed when the District must wait 30 days for a civil act and 60 days for a criminal act.

May I say, Mr. Speaker, that the distinguished chair and I have a bill in committee at this very moment that would permanently relieve this body and the committee of the chore, and it can only be called a chore, of looking at every single piece of legislation passed in the District of Columbia, from alley closings to downsizing. This is not a wise or appropriate use of Federal time and funds.

The Congress, under our bill, would retain the power to overturn any act of the District of Columbia, and I hope that that matter will be before this body at the appropriate time. Nevertheless, I do want to acknowledge and thank the chair and the distinguished ranking minority member, because in fact they have indeed been very gracious in allowing the District to waive when appropriate. We only hope that we can find it appropriate permanently to do so.

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

Mr. Speaker, I would like to thank the gentlewoman from the District of Columbia for her kind and generous remarks, and thank my distinguished colleague, the gentleman from Virginia [Mr. BLILEY], for his continued support. It is very difficult to do business with respect to the District of Columbia unless it is done on a bipartisan basis. The gentleman from Virginia has made a concerted effort to work very diligently with this side of the aisle and we appreciate it.

Mr. Speaker, I might just say to the gentleman from Virginia the chair listened very carefully to the concluding remarks of my distinguished colleague, and I sense that we may be reaching common ground. I think on other matters that we have been discussing that I am led to believe that we may be able to reach some compromise, and as someone much wiser than this gentleman said, great legislation always occurs in an atmosphere of compromise. I welcome the comments of the distinguished gentleman.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DELLUMS] that the House suspend the rules and pass the bill, H.R. 3709, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to waive the period of Congressional review for certain District of Columbia acts."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 3709, the legislation just passed.

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

There was no objection.

SENIOR EXECUTIVE SERVICE IMPROVEMENTS ACT

Mr. SIKORSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2270) amending certain provisions of title 5, United States Code, relating to the Senior Executive Service, as amended.

The Clerk read as follows:

H.R. 2270

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Executive Service Improvements Act".

SEC. 2. PROTECTION AGAINST PAY REDUCTION UPON ENTERING THE SES.

Section 5383 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) This subsection applies to—

"(A) any individual who, after serving at least 5 years of current continuous service in 1 or more positions in the competitive service, is appointed, without any break in service, as a career appointee; and

"(B) any individual who—

"(i) holds a position which is converted from the competitive service to a career reserved position in the Senior Executive Service; and

"(ii) as of the conversion date, has at least 5 years of current continuous service in 1 or more positions in the competitive service.

"(2)(A) The initial rate of pay for a career appointee who is appointed under the circumstances described in paragraph (1)(A) may not be less than the rate of basic pay last payable to that individual immediately before being so appointed.

"(B) The initial rate of pay for a career appointee following the position's conversion (as described in paragraph (1)(B)) may not be less than the rate of basic pay last payable to that individual immediately before such position's conversion."

SEC. 3. LIMITATION ON AUTHORITY TO REASSIGN.

Section 3395(e) of title 5, United States Code, is amended—

(1) by amending clause (ii) of paragraph (1)(B) to read as follows:

"(ii) has the authority to make an initial appraisal of the career appointee's performance under subchapter II of chapter 43;" and

(2) by adding at the end the following new paragraph:

"(3) For the purpose of applying paragraph (1) to a career appointee, any days (not to exceed a total of 60) during which such career appointee is serving pursuant a detail or other temporary assignment apart from such appointee's regular position shall not be counted in determining the number of days that have elapsed since an appointment referred to in subparagraph (A) or (B) of such paragraph."

SEC. 4. ENCOURAGEMENT OF SABBATICALS AND OTHER FORMS OF PROFESSIONAL DEVELOPMENT BY CAREER APPOINTEES.

Section 3396(d) of title 5, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following new paragraph:

"(2) In order to promote the professional development of career appointees and to as-

sist them in achieving their maximum levels of proficiency, the Office shall, in a manner consistent with the needs of the Government, provide appropriate informational services and otherwise encourage career appointees to take advantage of any opportunities relating to—

"(A) sabbaticals;

"(B) training; or

"(C) details or other temporary assignments in other agencies, State or local governments, or the private sector."

SEC. 5. AUTHORITY TO MITIGATE.

Section 7701(b) of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(3) With respect to an appeal from an adverse action covered by subchapter V of chapter 75, authority to mitigate the personnel action involved shall be available, subject to the same standards as would apply in an appeal involving an action covered by subchapter II of chapter 75 with respect to which mitigation authority under this section exists."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. SIKORSKI] will be recognized for 20 minutes, and the gentleman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. SIKORSKI].

GENERAL LEAVE

Mr. SIKORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 2270, the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, I want to compliment the gentleman from Maryland [Mrs. MORELLA] for her constant vigilance on behalf of Federal employees, civil servants, postal employees and others who work for the American citizens and taxpayers. Her help on this piece of legislation once again notes well her vigilance on behalf of civil servants, and I appreciate her assistance.

The Senior Executive Service was designed to be an elite corps of top Federal managers and administrators, to be the best and the brightest to run the Federal Government. It encompasses approximately 8,000 people, and over 90 percent of them are career Federal employees.

As amended, H.R. 2270 addresses some of the non-monetary concerns raised by the Senior Executive Service. The legislation first requires that the general schedule employees, when promoted to the SES, be placed in an SES pay level that is at least consistent with the pay they were receiving before promotion.

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Second, it encourages the use of sabbaticals and other forms of profes-

sional development for career appointees in the SES.

Third, it places limitations on the ability of a noncareer supervisor to reassign a senior career executive before the 120-day get-acquainted period ends.

And, fourth and finally, it grants the Merit System Protection Board jurisdiction to mitigate penalties in conduct cases involving Members of the SES, just as the Board has for actions against other Federal employees in the civil service.

I should note at this point that the subcommittee has worked with officials from the Office of Personnel Management [OPM] to make sure that this legislation is agreeable to all the parties involved. In fact, it is supported by the Office of Personnel Management.

Mr. Speaker, let me finish by saying that I will include my entire statement in the RECORD as well as an explanation of H.R. 2270, as amended.

Let me end by saying that as we rapidly approach the 21st century, the demands placed on senior executives will become greater and greater. The S&L bailout, banking regulation reform, the war on drugs, the mopping up of Operation Desert Storm, health care availability and affordability, the European Common Market 1992, Hong Kong 1997, reducing the budget deficit and tackling the recession, unemployment, other economic problems, all of these create a demand for an American Senior Executive Service that runs our Government, that is increasingly flexible, increasingly talented and knowledgeable.

As the members of the Committee on Post Office and Civil Service have seen and heard in reports and surveys and conferences and task forces, the original goal of the Civil Service Reform Act has not been met.

The SES Improvements Act before us today is a modest proposal intended to provide senior executives with some of the tools necessary to make the original promises of the Senior Executive Service a reality.

H.R. 2270, the Senior Executive Service Improvements Act, as amended, is intended to remedy some of the problems which have arisen over time and which have frustrated Congress in accomplishing its goal of developing an experienced, mobile, highly qualified, and motivated cadre of career executives throughout the Federal Government. As amended, the bill takes into account the various budgetary and political concerns raised by the administration over certain aspects of the introduced bill, and addresses certain issues which are of vital concern to the Senior Executive Service.

The first issue of concern to the SES is pay compression and the effect it has on the recruitment of potential senior executives from the rank and file under the General Schedule. Pay compression is caused by the overlap of the General Schedule and Senior Executive Service pay levels.

Although the Ethics Reform Act of 1989, Public Law 101-194, addressed the issue of

compensation for senior executives, further changes are needed to ensure that the benefits of the SES—for example, mobility, performance bonuses, higher pay—substantially outweigh the risks. H.R. 2270 is intended to address this problem by requiring that certain competitive service employees, upon appointment to the SES, be placed in pay level that is at least equivalent to the pay they were receiving before appointment to the SES.

A second problem addressed by H.R. 2270, as amended, involves the so-called 120 day get-acquainted period. The Civil Service Reform Act of 1978 created the 120-day get-acquainted period to provide a reasonable period of time during which a career appointee may continue in a SES position after the installation of a new political appointee supervisor. Currently, however, an agency may place sole authority to remove and reassign senior executives in the head of the agency, so that when a new agency head is appointed, the 120 day get-acquainted period begins to run. Consequently, when the career appointee acquires a new supervisor, there may not be a protective get acquainted period.

To ensure an effective get-acquainted period, a career executive should be allowed 120 days to work with the executive's immediate noncareer supervisor who has the responsibility for appraising the career appointee's performance under chapter 43 of title 5, United States Code.

In addition, the 120-day rule is circumvented arbitrarily by some agencies by allowing a career executive to be detailed during the 120 days and then transferred without having had the opportunity to get acquainted with the new political appointee. Rather than prohibit details during the 120 days, which would unduly restrict the ability of supervisors to direct necessary, legitimate assignments, the bill requires that agencies deduct the time spent on details from the requisite 120-day get-acquainted period.

A third issue addressed by this bill involves the absence of sabbatical and training opportunities for the SES. There currently are no requirements for either career or noncareer SES members to keep up to date in the ever changing worlds of management, administration, or the technical requirements of their positions. Federal managers grow stale or suffer a loss of skills, often because the agency does not feel it can do without their expertise for even short periods of training. Further, executives bear sole responsibility for identifying appropriate professional development and training opportunities.

A long-term approach to investment in employee training appears to be lacking in the Federal Government. At the request of the Subcommittee on the Civil Service, the General Accounting Office has examined the issue of Federal employee training. GAO concluded that, although the Government spends a substantial amount of money on training, it does not have career development programs targeted to specific employees. Further, the GAO found that, annually, 52 percent of all executives and 43 percent of all managers and supervisors receive no training.

Section 4 of H.R. 2270, as amended, is intended to enhance the career development of senior executives. Section 4 encourages

agencies and the Office of Personnel Management to make more use of sabbaticals during which senior executives can study, or work in State and local governments, or in the private sector. Since 1978, when agencies were first authorized to offer sabbaticals, only 15 agencies have done so and only 21 sabbaticals have been taken. Sabbaticals offer a unique opportunity for executives to gain expertise and exposure which will enhance their management skills.

Finally, H.R. 2270, as amended, extends to career appointees in the SES the same rights to Merit Systems Protection Board mitigation of unreasonable penalties in cases of removal for misconduct as other career employees have. The bill addresses a concern raised by members of the Senior Executive Association at the subcommittee hearing on September 25, 1990. In the early 1980's, the U.S. Federal Circuit Court of Appeals overturned a MSPB decision in the case of *Berube v. General Services Administration*, 820 F. 2d 396 (Fed. Cir. 1987), and in doing so set a new standard for evaluating SES removals in cases of misconduct. The court held that MSPB cannot review whether a particular penalty is appropriate in SES misconduct cases. Instead, MSPB must decide whether an agency's decision to impose any discipline on an SES member would stand even if some of the original charges were not upheld by the Board. It is the committee's intent to correct this anomaly and allow the MSPB to mitigate penalties in misconduct cases.

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

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

Mr. Speaker, I rise today in support of H.R. 2270, the Senior Executive Service Improvements Act. The Subcommittee on Civil Service considered the bill in June and forwarded it to the Committee on Post Office and Civil Service where it was approved as amended by the subcommittee.

This legislation protects the pay level of employees who are promoted to the Senior Executive Service level. Those employees, who have had 5 years of current continuous service in one or more positions in competitive service, would not receive a lower salary at the SES level than they did when they were employed at the GS level.

H.R. 2270 would limit the reassignment of a career SES employee by a new noncareer supervisor or agency head during the 120-day trial period. However, in order to retain management flexibility, if the SES employee is detailed out of the position, the 120-day time period does not start to tick until after the first 60 days of the reassignment.

This legislation recommends that the Office of Personnel Management encourage professional development of career SES appointees to achieve maximum levels of proficiency in a manner which is consistent with the needs of the Government. It encourages OPM to provide information regarding sabbaticals, training, and temporary assign-

ments with other agencies or the private sector to promote this expertise. This bill also extends the authority to mitigate an appeal from an adverse action.

Mr. Speaker, we are trying to retain the brightest minds in public service; the provisions addressed in this bill will encourage professional development of our high level career employees and protect them from arbitrary reassignments.

I commend the chairman of the Subcommittee on Civil Service, Mr. SIKORSKI, for introducing this significant legislation. I am pleased to be the original cosponsor of H.R. 2270. The Congressional Budget Office has determined that these provisions would not have an impact on the budget. Additionally, the minority and the administration have no objection to the bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 2270, the Senior Executive Service Improvements Act. I want to commend the author of the legislation, the chairman of the Subcommittee on Civil Service, Mr. SIKORSKI, and the ranking Republican on that panel, the gentlewoman from Maryland [Mrs. MORELLA], for their diligent work in securing a legislative package that meets the needs of Federal employees and the administration.

Congress created the Senior Executive Service almost 13 years ago as part of the Civil Service Reform Act. This elite corps of Government executives was intended to provide needed motivational and leadership skills in directing and executing the diverse missions of the Federal Government. However, many of the objectives set forth for the Senior Executive Service have been hampered for lack of adequate protections for career appointees. H.R. 2270 addresses several of these objectives, and, I emphasize for my colleagues, in a budgetary neutral way.

This legislation provides protections for career SES members. Specifically, the bill provides protection against pay reductions for newly appointed employees entering the SES. Additionally, the legislation imposes limitations upon the authority to reassign SES members by political appointees. H.R. 2270 encourages the Office of Personnel Management to develop sabbatical programs and other career development programs for senior executives. This legislation also extends to the Merit Systems Protection Board the authority to mitigate in adverse actions taken against SES members.

Mr. Speaker, this is sound legislation. Accordingly, I urge our colleagues to support H.R. 2270.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. SIKORSKI] that the House suspend the rules and pass the bill, H.R. 2270, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CITY OF LYNN HISTORICAL AND CULTURAL RESOURCES STUDY ACT OF 1991

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2859) to direct the Secretary of the Interior to conduct a study of the historical and cultural resources in the vicinity of the city of Lynn, MA, and make recommendations on the appropriate role of the Federal Government in preserving and interpreting such historical and cultural resources, as amended.

The Clerk read as follows:

H.R. 2859

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

SECTION 1. LYNN, MASSACHUSETTS.

(a) STUDY OF POTENTIAL NATIONAL HISTORIC LANDMARKS.—The Secretary of the Interior (hereinafter in this section referred to as the "Secretary") shall conduct a study to identify potential National Historic Landmarks in Lynn, Massachusetts. The study shall emphasize the processes of industrialization, urbanization and immigration in order to identify resources significant and unique in the larger context of American History. As part of the study, the Secretary shall propose alternatives for cooperation in the preservation and interpretation of potential National Historic Landmarks identified in the study and for the preservation and interpretation of existing national historic landmarks in Lynn.

(b) CONGRESSIONAL REVIEW.—The Secretary shall transmit the study to the appropriate committees of Congress within 18 months after the enactment of this Act.

(c) CONSULTATION.—In preparing the study under this section, the Secretary shall consult with the public, with representatives of the city of Lynn and the Commonwealth of Massachusetts, with historians, planners and historic preservationists knowledgeable in American History, historic preservation, and architecture. The Secretary shall seek expertise from both local and national organizations.

(d) AUTHORIZATION.—There is authorized to be appropriated \$200,000 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2859, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 2859 was introduced by our good friend and colleague, the gentleman from Massachusetts [Mr. MAVROULES], and directs the National Park Service to prepare a study of the historical and cultural resources of Lynn, MA.

Lynn was founded in 1629 and has seen the transition of an agrarian society to an industrialized one with its shoe factories and General Electric Co. plant successfully replacing the farms and the maritime industry. It is a case study of the effects of industrialization, immigration, and urbanization including strikes, various types of inventions, and the development of the use of electricity.

I know that the gentleman from Massachusetts is very proud of the fact that the first baseball game played under lights, played at night, was played in Lynn, MA, and without that game having been played at night, it probably would not have been possible to view the World Series game which the Minnesota Twins happened to win, Mr. Speaker, which was played under lights at night in the great State of Minnesota where the chairman happens to come from and represent.

Mr. Speaker, we are all very proud of the fact that Lynn, MA, led the way with electrified baseball, and that the Twins provided a different type of electricity in 1991.

□ 1400

Mr. Speaker, in any case, this proposal directs the Department of the Interior Parks Service to undertake a study to identify the potential natural historic landmarks in Lynn with particular emphasis on the process of industrialization, as I said, urbanization and immigration.

The Secretary is directed to propose alternatives for cooperation in the preservation and interpretation of landmarks so identified.

This approach will provide guidance on how best to structure partnerships to preserve and interpret these nationally significant properties. I know that the study is the responsible way to determine the future actions which would be appropriate.

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

Mr. Speaker, I rise to be recognized on H.R. 2859, a bill to provide for a

study of structures in Lynn, MA, for national landmark status.

The bill has broad local support. I note that the bill reported by the Interior Committee is a substantial rewrite of the original bill and does address some of the concerns that were raised in the hearing.

Mr. Speaker, I support passage of the bill; however, I must point out that the administration does have problems with it, does oppose this measure, and I hope their objections can be addressed in the Senate.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MAVROULES], the sponsor of this measure.

Mr. MAVROULES. Mr. Speaker, I would like to thank chairman VENTO, ranking member LAGOMARSINO and my colleagues who serve on this committee for their support in moving this measure through the committee process and presenting it to the full House today. I stand in support for House passage of H.R. 2859, legislation I sponsored which directs the Secretary of Interior to conduct a study of the historic resources in Lynn, and report on the appropriate role of the National Park Service within 18 months.

I wish to specifically address the worth, advisability, and necessity of conducting an in depth review of the assets in the city of Lynn, MA. I believe the assets there are valuable not only to the community itself, but also to the Nation. Therefore, we need to preserve the rich cultural heritage that they represent.

Lynn has been on the cutting edge of innovative development. The first jet engine during the second world war was developed here as well as the last machine which revolutionized the shoe industry in 1883. On September 15 the U.S. Postal Service issued a commemorative stamp honoring its inventor Jan E. Matzeliger who moved to Lynn in 1877.

Also records indicate that on June 1, 1892, Elihu Thomson's electrical Co., based in Lynn, merged with Thomas Edison's company, to form what has been continuously known as the General Electric Co. And the first professional baseball game played under electric lights was in Lynn.

Located in Lynn, the Lydia Pinkham Co., producing vegetable compound, was particularly important in the history of advertising in America, for it was the first time a woman's image was used to advertise a product.

Noted for being the birthplace of Christian Science, it was in Lynn that Mary Baker Eddy concerned her philosophy and wrote her "Science and Health."

Several buildings are on the national register of historic places. Just to name a few, Stone Cottage, the home of the famous Hutchinson Family Sing-

ers; the Flat Iron Building which is a period shoe factory; the Grand Army of the Republic Building [GAR], and the Lynn Public Library, because of its unique design.

The GAR Building has artifacts from the Spanish-American, World War II, and the Civil War. Weapons, uniforms, period clothing, photographs, historic documents, and manuscript letters by various leaders of these wars, can be found here. Also, the last Confederate flag to hang over Richmond, VA, which was given to the city as a token of friendship, is kept here.

The history of the city also has been consistent in contributing to the evolution of social change with the abolitionist movement, workers' rights, and women in the workplace. It came through all of these experiences with positive results.

In 1981 and 1982, a major fire destroyed some very significant structures in the waterfront area and the historic shoe district. Nevertheless, some original buildings and structures remain.

Mr. Speaker, \$9 million in State park funds have been spent to develop the Lynn Heritage Park and the waterfront park in an effort to educate tourists and preserve the history there. Some historical research and archeological inventory of Lynn's resources have been done locally as well.

In spite of its austere budget, the city has consistently tried to provide funds to keep this preservation effort going.

Organized groups, such as the Lynn public-private partnership, which is composed of executives of local manufacturers, utilities, financial institutions, professional services, and health care organizations have largely supported the mayor's initiatives.

A determination of the role of the Federal Government is greatly needed to assist the local public and private sectors in preserving our Nation's history in this region and to avert a loss of these assets for all times. Unfortunately, in spite of the many cultural and historical resources in Lynn, it is not included in the eight sites the Director of the National Park Service has identified as high priority candidates for study.

It is entirely appropriate for the National Park Service to comprehensively study this area and report on the appropriate role of the Federal Government. I would like to ask my colleagues to support the chairman and members of the Subcommittee on National Parks and Public Lands and myself in passing this legislation today.

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

Mr. VENTO. Mr. Speaker, I think this is a good bill. I hope the House will act on it today favorably.

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2859, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2859, the bill just passed.

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

There was no objection.

REVERE BEACH STUDY ACT OF 1991

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2109) to direct the Secretary of the Interior to conduct a study of the feasibility of including Revere Beach, located in the city of Revere, MA, in the National Park System, as amended.

The Clerk read as follows:

H.R. 2109

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

SECTION 1. REVERE BEACH, MASSACHUSETTS.

(a) FINDINGS.—The Congress finds that—
(1) Revere Beach played an important historic role as a public beach and park set aside for public leisure and recreation;

(2) Revere Beach represents a valuable example of the social and cultural aspects of early 20th century American working class history;

(3) original structures and public buildings of Revere Beach remain to be preserved and interpreted;

(4) Revere Beach is located within easy access of a large urban population center and within reach of tourists visiting the historic city of Boston; and

(5) given the interest by organized groups and local and State governments in the preservation of Revere Beach, a coordinated evaluation should be conducted to consider options for preserving the historical, cultural, natural and recreational resources of Revere Beach.

(b) STUDY.—The Secretary of the Interior (hereinafter in this section referred to as the "Secretary") shall conduct a study to identify potential means to preserve and interpret Revere Beach. As part of the study, the Secretary shall propose alternatives for cooperation in the preservation and interpretation of Revere Beach, including providing recommendations on the suitability and feasibility of establishing Revere Beach as a unit of the National Park System.

(c) CONTENTS OF STUDY.—The study of the Secretary shall contain, but not be limited to, findings with respect to—

(1) the role played by Revere Beach in the processes in industrialization, urbanization, and immigration;

(2) the historical, cultural, natural, and outdoor recreational values of Revere Beach;

(3) the types of Federal, State, and local programs that are available to preserve, develop, and make accessible Revere Beach for public use;

(4) the use of, and coordination with, Federal, State, and local programs to manage in the public interest the historical, cultural, natural, and recreational resources of Revere Beach; and

(5) the possible kinds of general intensities of development, including a visitor facility with sufficient space to accommodate exhibits and information regarding the history of Revere Beach, that would be associated with public enjoyment and use of Revere Beach, including general location and anticipated costs.

(d) CONGRESSIONAL REVIEW.—The Secretary shall transmit the study to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate within 12 months after the enactment of this Act.

(e) CONSULTATION.—In preparing the study under this section, the Secretary shall consult with the public, representatives of the city of Revere and the Commonwealth of Massachusetts, historians, planners, recreation specialists, and historic preservationists knowledgeable in American History, historic preservation, and architecture. The Secretary shall seek expertise from both local and national organizations.

(f) AUTHORIZATION.—There is authorized to be appropriated \$200,000 to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 2109, the bill now under consideration.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MARKEY], a member of the committee and sponsor of the bill.

Mr. MARKEY. Mr. Speaker, I thank the chairman of the subcommittee for yielding this time to me.

Mr. Speaker, the importance of this bill is that it is a study. It is a study of a very important part of American history, which is that for the first time in the 1890's a plot of land 3 miles long, a crescent-shaped beach, was created exclusively for the public. It was the first time it had ever happened in the

history of our country, the first time that urban recreation had been designated as something which should be given the attention that allowed the millions then in the cities, the teeming slums of the east coast of the United States, access to recreation.

This bill which allows for a study of this will make it possible for the work of Charles Elliott who, working with Frederick Law Olmsted, Sr., helped to design and orchestrate the construction of this important project.

I recommend the study to the House. I think it is a very important statement for the urban recreational facilities of our country.

Mr. Speaker, I rise today in support of the Revere Beach Study Act of 1991—H.R. 2109. I would like to take this opportunity to thank my friend and colleague, Mr. VENTO of Minnesota, for his help, and that of his staff, in shaping this bill and bringing it to the floor today. I would particularly like to thank him for taking time out of his busy schedule to hold a hearing in Revere, MA, last July which enabled the subcommittee to hear extensive testimony about the historic importance of Revere Beach—the first public beach in the Nation.

I would also like to thank the cosponsors of the bill—from both sides of the aisle, 18 of my colleagues from the Committee on Interior and Insular Affairs including the chairman, Mr. MILLER, and the entire Massachusetts delegation which has lent unanimous support to this study in the House and the Senate.

Mr. Speaker, for 2 years, I have been working with local- and State-elected officials, historic preservation groups, environmental groups, and the public to find a way to recognize and preserve the first public beach in the Nation—Revere Beach. The bill today directs the Park Service to conduct a study of Revere Beach and to recommend options for restoring and preserving its historical and cultural resources. The results of this \$200,000 study will be available for congressional review 1 year after enactment.

This project is very important to me because Revere Beach is not a beach for the rich and powerful. It is a site that played a historic role in the cultural and social development of this country, but it has never served the powerful or the wealthy and it does not have them as its advocates.

The National Park Service was established to preserve and protect our historical and cultural resources as well as our natural resources. In this role, the Park Service serves as the only national repository of American culture and history as it relates to the natural environment. I have proposed that the Park Service Study Revere Beach because it is a rare example of early landscape architecture and it played a unique role in the development of public park and recreation systems.

If we go back to the 19th century, along the east coast of the United States the early settlers who had come 200 years earlier passed laws from Maine to Massachusetts which prohibited trespass and entry by the new wave of immigrants—the Irish, Italians, Jews, Poles, and others who were hitting America's shores in the last quarter of the 19th century.

There were no recreational facilities for them. They lived in crowded city tenement

buildings with no access to beaches and no access to recreational areas. When they arrived, there were already laws on the books limiting access to the coastline. Frederick Law Olmsted and his associate Charles Eliot conceived of an idea. They proposed a large metropolitan system of parks and recreation areas for the enjoyment of the urban, working-class population. The wealthy could afford to travel to the hills of Vermont or to their summer home on a private beach; the metropolitan park was to be designed for those city residents who had no place else to go.

As the crown jewel of this unprecedented metropolitan park system, Charles Eliot envisioned "a grant and refreshing sight of a natural sea beach, with its long simple curve and its open view of the ocean. Nothing in the world presents a more striking contrast to the jumbled, noisy scenery of a great town."

Revere Beach reservation was a 3-mile stretch of beach set aside with mass transit, bathhouses, a bandstand, and an ocean promenade. Bathing suits and other beach necessities could be rented by the hour. Hundreds of thousands from the inner city could go there to enjoy nature.

Revere Beach became the first beach in the United States designed and set aside for the use and enjoyment of an urban population. It set the standard for Jones Beach and other urban beach reservations which were later created in its image.

Revere Beach was considered by Frederick Law Olmsted, " * * * A point to date from in the history of landscape architecture." Think of the historic change in attitude toward ordinary people that this project represented back in the 1890's. It was a novel and unique idea to create a beautiful beach reservation for the use of hundreds of thousands of inner-city immigrants.

Today, the beach is used by Cambodians, Vietnamese, Hispanics, blacks, as well as the remainder of the Irish, Italians, and Jews who are still in the area. It also serves a wider population throughout the region through its easy access by subway to Boston. Revere Beach stands as an historic monument to the American commitment to public access to nature.

I recommend to my colleagues in the House that we pass this study bill and recognize the role that Revere Beach played in the history of landscape architecture, American cultural history, urban environmental protection, and in the memories of all the working-class families who have enjoyed it for over 100 years.

□ 1410

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

Mr. Speaker, I rise on H.R. 2109, a bill to provide for a study of Revere Beach for potential inclusion in the National Park System.

This bill has broad local support. I note that the bill reported by the Interior Committee does contain some improvements to the original bill which broaden the scope of the proposed study.

Mr. Speaker, while I support passage of the legislation, the administration opposes it, and I hope their objections can be addressed in the Senate.

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

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

Mr. Speaker, H.R. 2109, a bill introduced by my colleague on the Interior and Insular Affairs Committee, Congressman ED MARKEY, calls for a study of Revere Beach in Massachusetts. Revere Beach, located near Boston, has a rich history as a public beach available to the working men and women of this country at a time when so many beaches were closed to public access by their owners. It provided recreational opportunities for people who otherwise had little access to such opportunities.

H.R. 2109, as introduced, directed the Secretary of the Interior to prepare a study on whether Revere Beach should be a unit of the National Park System. At the hearings on Revere Beach witnesses testified to their affection for Revere Beach, its past and its resources. Based on those public comments I have worked with Representative MARKEY to refine this measure which was amended by the Interior Committee. As amended, the findings of H.R. 2109 were modified. The National Park Service is now directed to undertake a study to identify potential means to preserve and interpret Revere Beach. It is to propose alternative ways to do so cooperatively as well as to provide recommendations on the suitability and feasibility of establishing it as a unit of the National Park System. The bills, as amended, provides guidance for the contents of the study which is to be transmitted to the Congress within 12 months after enactment. It also directs the Secretary to consult with the public and appropriate professionals and authorizes appropriations of \$200,000.

Mr. Speaker, I want to commend our colleague ED MARKEY for undertaking this approach of studying the potential means to preserve and interpret Revere Beach. Given that the National Park Service has no legislative program, that it has given the Congress no list of studies it plans to do, we are left with few options. Here we are openly and with deliberation directing the National Park Service to undertake this study as a way to determine the best way to proceed on this matter. It is a much better approach in my opinion. Mr. Speaker, I endorse this legislation and urge its passage.

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2109, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

REVISING BOUNDARIES OF GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2444) to revise the boundaries of the George Washington Birthplace National Monument.

The Clerk read as follows:

H.R. 2444

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

SECTION 1. BOUNDARIES OF GEORGE WASHINGTON BIRTHPLACE NATIONAL MONUMENT.

The boundaries of the George Washington Birthplace National Monument are hereby modified to include the area comprising approximately 125 acres as generally depicted as "National Monument Boundary" on the map entitled "George Washington Birthplace National Monument Boundary Map", numbered NPS 332/80011, and dated May 1991, which shall be on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior.

SEC. 2. ACQUISITION OF LANDS.

The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") may acquire land or interests in land within the boundaries of the George Washington Birthplace National Monument by donation, purchase with donated or appropriated funds, or exchange.

SEC. 3. ADMINISTRATION OF NATIONAL MONUMENT.

In administering the George Washington Birthplace National Monument, the Secretary shall take such action as is necessary to preserve and interpret the history and resources associated with George Washington, the generations of the Washington family who lived in the vicinity and their contemporaries, as well as 18th century plantation life and society.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on H.R. 2444, the bill presently under consideration.

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

There was no objection.

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

Mr. Speaker, next February marks the 260th anniversary of George Washington's birth. He was born on the banks of Popes Creek in Virginia, on land that still retains much of its his-

toric character. H.R. 2444, a bill introduced by Congressman HERBERT BATEMAN of Virginia, expands the boundary of George Washington Birthplace National Monument to help preserve that historic scene for generations to come. With this legislation, one 12-acre property can be acquired and another 113-acre property can be protected within the monument's boundary. Both of these historic properties are located in the center of the monument. You must cross this private land to get to a part of the monument and must cross monument property to get to this private property. Both of the affected landowners want their land included within the monument's boundary. At the same time, development of either property would have a serious effect on the lands George Washington knew as a child. Today, the fields there continue to be farmed, and the land remains much as George Washington knew it. This National Park System unit, established as a memorial to George Washington, is also a cultural landscape that helps us understand the society Washington and his family knew. I know of no opposition to H.R. 2444 and urge its passage by the House.

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

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

Mr. Speaker, I rise in support of this measure to expand the existing 528-acre George Washington Birthplace National Monument by an additional 125 acres. The legislation as proposed would resolve management concerns with the current park boundary where Federal land ownership is divided into two noncontiguous areas. The proposal would also serve some resource protection goals by preserving important lands along Pope's Creek.

While I believe that park boundary expansion legislation should almost always be preceded by a detailed administration study evaluating the resource values of the proposal, in light of the noncontroversiality of the proposal, support of the administration, and landowners, and relatively low cost—about \$500,000—I am supporting this measure and urge my colleagues to do likewise.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I thank the gentleman for yielding this time to me. I want to commend him and his subcommittee for bringing this important piece of legislation to the floor in such an expeditious manner.

Mr. Speaker, I rise today in strong support of H.R. 2444, a bill to expand the boundaries of the George Washington Birthplace National Monument in the historic northern neck of Virginia, which I have the privilege to represent. I introduced this bill on May 22, 1991 at

the request of my constituents, the Horner and Muse families, to help them preserve and protect their properties in cooperation with the Federal Government.

Mr. Speaker, I represent the First Congressional District of Virginia, which includes many points of historic significance. Although the origins of this great Nation are found and interpreted in Williamsburg, Jamestown, Yorktown, and other parts of my district, it is only in Westmoreland County on the northern neck of Virginia that one can trace the early footsteps of "the father of our country."

George Washington was born on his fathers Pope's Creek farm on February 22, 1732. Two hundred years later, Congress established the George Washington Birthplace National Monument to memorialize and commemorate the life of the foremost of our Founding Fathers. Bounded by the waters of Pope's Creek, Bridges Creek and the Potomac River, the national monument's landscape consists of fields, forest, and marshlands. The National Park Service makes full use of this beautiful landscape by maintaining a reconstructed homestead and operating a colonial farm which recreates 18th century plantation life.

Because of the park's current boundary, approximately 125 acres of privately held land outside the park is sandwiched between two units of the park and the Potomac River. Currently, these private lands are woods, wetlands and agricultural fields which compliment and enhance the monument's historic character and cultural setting. The boundary expansion I am advocating in my bill, therefore, is a logical extension and improvement of the monument's overall configuration and would ensure that no adverse alteration of the landscape would destroy or degrade the park's natural surroundings.

Geographic considerations notwithstanding, the 125 acres of land in question also possess considerable historic value because they are directly connected with the plantation once owned by George Washington's father. In addition, the Horner family property—about 12 acres—is one of the best examples of mature loblolly pine woodlands in the area and is within 400 yards of a bald eagle nesting site. The Muse family property, which constitutes the remaining private land in question, is historically significant because it was part of the first land patents issued for the northern neck of Virginia. In fact, the Muse family and their ancestors have been continuously farming and working their land for well over 200 years.

The Horners and the Muses have exercised excellent stewardship of their land. Because of the location of these lands relative to the park's current boundaries, however, the Horners, the

Muses, local officials, civic organizations and others are concerned with the potential for nonagricultural development near the park given the trend of waterfront development in Westmoreland County and the region. I share their concern.

Acting upon these concerns for the monument's and surrounding area's historic and scenic integrity, I introduced H.R. 2444 with the full support of the current property owners, local civic groups and the National Park Service. As mentioned earlier, this bill would authorize the National Park Service to purchase the Horners' 12 acres outright and preserve the Muses' lands within the park through an easement.

Mr. Speaker, let me say once again how delighted I am to have been able to introduce this bill on behalf of my constituents to help them protect a small, but important part of this Nation's natural and cultural heritage. I believe the passage of this bill will be a very important step in the continued preservation and commemoration of George Washington's birthplace. Accordingly, I would ask for my colleagues support.

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

□ 1240

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2444.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LOS PADRES CONDOR RANGE AND RIVER PROTECTION ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2556) entitled the "Los Padres Condor Range and River Protection Act," as amended.

The Clerk read as follows:

H.R. 2556

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

SECTION 1. FINDINGS.

The Congress finds that—

(1) areas of undeveloped National Forest System land within Los Padres National Forest have outstanding natural characteristics which will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people; and

(2) it is in the national interest that certain of these areas be designated as components of the National Wilderness Preservation System and Wild and Scenic Rivers Sys-

tem or reserved from mineral entry in order to preserve such areas and their specific multiple values for watershed preservation, wildlife habitat protection, scenic and historic preservation, scientific research, educational use, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all of the American people of present and future generations.

SEC. 2. DESIGNATION OF WILDERNESS AREAS.

In furtherance of the purposes of the Wilderness Act, the following National Forest System lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in Los Padres National Forest and the Angeles National Forest, California, which comprise approximately 219,700 acres, which are generally depicted on a map entitled "Sespe Wilderness Area—Proposed" and dated September 1991, which shall be known as the Sespe Wilderness. In recognition of the significant role that Mr. Gene Marshall played in the development of this Act, the Secretary of Agriculture is authorized and directed to name the existing trail between Reyes Creek and Lion Campgrounds as the Gene Marshall-Piedra Blanca National Recreational Trail.

(2) Certain lands in Los Padres National Forest, California, which comprise approximately 29,600 acres, which are generally depicted on a map entitled "Matilija Wilderness Area—Proposed" and dated September 1991, which shall be known as the Matilija Wilderness.

(3) Certain lands in Los Padres National Forest, California, which comprise approximately 46,400 acres, which are generally depicted on a map entitled "San Rafael Wilderness Addition—Proposed" and dated September 1991, and which lands are hereby incorporated in, and shall be managed as part of, the San Rafael Wilderness.

(4) Certain lands in Los Padres National Forest, California, which comprise approximately 14,100 acres, which are generally depicted on a map entitled "Garcia Wilderness Area—Proposed" and dated September 1991, which shall be known as the Garcia Wilderness.

(5) Certain lands in Los Padres National Forest, California, which comprise approximately 38,150 acres, which are generally depicted on a map entitled "Chumash Wilderness—Proposed" and dated September 1991, which shall be known as the Chumash Wilderness and approximately 50 acres, which are generally depicted on the same map, which shall be designated as potential wilderness. The Toad Springs road corridor delineated as potential wilderness shall remain open to off road vehicle traffic until construction of an alternate route which bypasses this area is completed. These potential wilderness lands shall be automatically incorporated in and managed as part of the Chumash wilderness upon publication of a notice in the Federal Register.

(6) Certain lands in Los Padres National Forest, California, which comprise approximately 38,000 acres, which are generally depicted on a map entitled "Ventana Wilderness Addition—Proposed" and dated September 1991, and which lands are hereby incorporated in, and shall be managed as a part of, the Ventana Wilderness.

(7) Certain lands in Los Padres National Forest, California, which comprise approximately 14,500 acres, which are generally depicted on a map entitled "Silver Peak Wilderness Addition—Proposed" and dated September 1991, and which shall be known as the Silver Peak Wilderness. In recognition of Mr.

Nathaniel Owings' efforts to preserve the Big Sur coastline, the area within the Silver Peak Wilderness area depicted as "Redwood Gulch" shall hereafter be known as the "Nathaniel Owings Redwood Grove." The Secretary is directed to place this name on all appropriate maps depicting the Silver Peak Wilderness Area of the Los Padres National Forest.

SEC. 3. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act.

(b) FIRE PREVENTION AND WATERSHED PROTECTION.—In order to guarantee the continued viability of the watersheds of the wilderness areas designated by this Act and to ensure the continued health and safety of the communities serviced by such watersheds, the Secretary of Agriculture may take such measures as are necessary for fire prevention and watershed protection including, but not limited to, acceptable fire suppression and fire suppression measures and techniques.

(c) WILDLIFE MANAGEMENT.—In furtherance of the purposes and principles of the Wilderness Act, management activities to maintain or restore fish and wildlife populations, including the California condor, and the habitats to support such populations may be carried out within wilderness areas designated by this Act where consistent with relevant wilderness management plans in accordance with appropriate policies and guidelines such as those set forth in Policies and Guidelines for Fish and Wildlife Management in National Forests and Bureau of Land Management Wilderness, dated August 25, 1986.

(d) BUFFER ZONES.—The Congress does not intend for the designation of wilderness areas pursuant to this Act to lead to the creation of protective perimeters or buffer zones around such wilderness areas. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(e) WATER RIGHTS.—

(1) With respect to each wilderness area designated by this act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this Act. The priority date of such reserved water rights shall be the date of enactment of this Act.

(2) The Secretary of Agriculture and all other officers of the United States shall take steps necessary to protect the rights reserved by this Act, including the filing by the Secretary of Agriculture of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of California in which the United States is or may be joined and which is conducted in accordance with section 28 of the Act of July 10, 1952 (Ch. 651, 66 Stat. 560; 43 U.S.C. 666) (commonly referred to as the "McCarran Amendment").

(3) Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of California on or before the date of enactment of this Act.

(4) The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of California designated by this Act. Nothing in this Act related to the reserved Federal water rights shall be construed as establishing a precedent with regard to any future designations, not shall it constitute an interpretation of any other Act or any designation made thereto.

SEC. 4. FILING OF MAPS AND DESCRIPTIONS.

As soon as practicable after enactment of this Act, a map and legal description of each wilderness area designated in section 2 shall be filed with the Committee on Energy and Natural Resources of the Senate and Committee in Interior and Insular Affairs of the House of Representatives, and each such map and description shall have the same force and effect as if included in this Act. Correction of clerical and typographical errors in each such legal description and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, Washington, District of Columbia and in the Office of the Forest Supervisor, Los Padres National Forest.

SEC. 5. RELEASE TO NONWILDERNESS USES.

The table contained in section 111(e) of the California Wilderness Act of 1984 (98 Stat. 1631) is amended by striking all lines pertaining to further planning areas on the Los Padres National Forest. Except for those areas designated as wilderness under Section 2 of this Act, these areas shall be released to nonwilderness uses in accordance with section 111 (except for subsection (e)) of such Act.

SEC. 6. DESIGNATION OF WILD AND SCENIC RIVERS.

In order to preserve and protect for present and future generations the outstandingly remarkable values of Sespe Creek, the Big Sur River, and the Sisuoc River, all in California, section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraphs at the end:

"() SESPE CREEK, CALIFORNIA.—The 4-mile segment of the main stem of the creek from its confluence with Rock Creek and Howard Creek downstream to its confluence with Trout Creek, to be administered by the Secretary of Agriculture as a scenic river; and the 27.5-mile segment of the main stem of the creek extending from its confluence with Trout Creek downstream to where it leaves section 26, township 5 north, range 20 west, to be administered by the Secretary of Agriculture as a wild river.

"() SISUOC RIVER, CALIFORNIA.—The 33-mile segment of the main stem of the river extending from its origin downstream to the Los Padres Forest boundary, to be administered by the Secretary of Agriculture as a wild river.

"() BIG SUR RIVER, CALIFORNIA.—The main stems of the South Fork and North Fork of the Big Sur River from their headwaters to their confluence and the main stem of the river from the confluence of the South and North Forks downstream to the boundary of the Ventana Wilderness in Los Padres National Forest, for a total distance of approximately 19.5 miles, to be administered by the Secretary of Agriculture as a wild river."

SEC. 7. STUDY RIVERS.

(a) DESIGNATION.—Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding the following new paragraphs at the end thereof:

"() PIRU CREEK, CALIFORNIA.—The segment of the main stem of the creek from its source downstream to the maximum pool of Pyramid Lake and the segment of the main stem of the creek beginning 300 feet below the dam at Pyramid Lake downstream to the maximum pool at Lake Piru, for a total distance of approximately 49 miles.

"() LITTLE SUR RIVER, CALIFORNIA.—The segment of the main stem of the river from its headwaters downstream to the Pacific Ocean, a distance of approximately 23 miles.

The Secretary of Agriculture shall consult with the Big Sur Multiagency Advisory Council during the study of the river.

"() MATILJA CREEK, CALIFORNIA.—The segment from its headwaters to its junction with Murieta Canyon, a distance of approximately 16 miles.

"() LOPEZ CREEK, CALIFORNIA.—The segments from its headwaters to Lopez Reservoir, a distance of approximately 11 miles.

"() SESPE CREEK, CALIFORNIA.—The segment from Chorro Grande Canyon downstream to its confluence with Rock Creek and Howard Creek, a distance of about 10.5 miles."

(b) CONSULTATION.—Each study shall be conducted by the Secretary of Agriculture. The studies of the rivers and creeks named in subsection (a) shall be made in consultation with local authorities and appropriate local and state agencies.

SEC. 8. MINERAL WITHDRAWAL.

(a) IN GENERAL.—Subject to valid existing rights, Federally owned lands and interests therein that are depicted on a map entitled "Mineral Withdrawal Area, California Coastal Zone, Big Sur—Proposed" and dated September 1991 are withdrawn from entry, location, appropriation, leasing, sale, or disposition under the mining laws, mineral leasing and geothermal leasing laws of the United States.

(b) MINING CLAIMS.—Subject to valid existing rights, all mining claims located within the withdrawal area depicted on the map described in subsection (a) shall be subject to such regulations as the Secretary of Agriculture may prescribe to ensure that mining will, to the greatest practicable extent, be consistent with the protection of scenic, scientific, cultural, and other resources of the area. The Secretary of Agriculture shall not approve any plan of operation prior to a determination that the unpatented mining claim was valid prior to the mineral withdrawal created by this Act and remains valid. A patent for lands within the withdrawal area that is issued after the date of enactment of this Act shall convey title only to the minerals together with the right to use the surface of lands for mining purposes subject to such regulations.

SEC. 9. ADDITIONAL USES OF CERTAIN LANDS IN CALIFORNIA.

(a) REMOVAL OF RESTRICTIONS.—Notwithstanding the restrictions otherwise applicable under the terms of conveyance by the United States of any of the lands described in subsection (b) to either the city of Pittsburg, California or Merced County, California, or under any agreement concerning any part of such lands between either such city or such county and the Secretary of the Interior or any other officer or agency of the United States, the lands described in subsection (b) may be used for the purposes specified in subsection (c) of this section.

(b) LANDS AFFECTED.—The lands referred to in subsection (a) of this section are—

(1) Any portion not exceeding 1.5 acres of the lands described in that certain Quitclaim Deed of the United States to the city of Pittsburg, California, bearing the date of March 25, 1960, and recorded in Record of Deeds of the County of Contra Costa, State of California, as document No. 79015, in Book 3759 at page 1 of Records; and

(2) The south 15 acres of the 40 acres located in the northwest quarter of the southwest quarter of section 20, township 7 south, range 13 east, Mount Diablo base line and Meridian in Merced County, California, conveyed to such county by deed recorded in volume 1941 at page 441 of the official records in Merced County, California.

(c) AUTHORIZED USES.—(1) The city of Pittsburg, California, may use the lands described in subsection (b)(1) of this section for a fire station or other public purpose, or may transfer such lands to another governmental entity on condition that such entity retain and use such lands for such purpose.

(2) Merced County, California, may authorize the use of the lands described in subsection (b)(2) of this section for an elementary school serving children without regard to their race, creed, color, national origin, physical or mental disability, or sex, operated by a nonsectarian organization on a nonprofit basis and in compliance with all applicable requirements of the laws of the United States and the State of California. If Merced County permits such lands to be used for such purposes, the county shall include information concerning such use in the periodic reports to the Secretary of the Interior required under the terms of the conveyance of such lands to the county by the United States. Any violation of the provisions of this paragraph shall be deemed to be a breach of the conditions and covenants under which such lands were conveyed to Merced County by the United States, and shall have the same effect as provided in the deed whereby the United States conveyed the lands to the county. Except as specified in this subsection, nothing in this act shall increase or diminish the authority or responsibility of the county with respect to the lands.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act and amendments made by this Act.

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2556.

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

There was no objection.

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

Mr. Speaker, H.R. 2556, the Los Padres Condor Range and River Protection Act, was introduced by my colleague on the Interior Committee, Mr. LAGOMARSINO, who has worked diligently on this matter. It is an outstanding accomplishment by the ranking minority member on the Parks and Public Lands Subcommittee. This bill would designate 400,000 acres of wilderness in seven areas. It would also designate 84 miles of three rivers as components of the National Wild and Scenic Rivers System and provide for studies of 110 miles of five rivers for potential wild and scenic designation. All of these designations are in the Los Padres National Forest in California. The bill is very similar to one passed by the

House twice in the 101st Congress but for which action was not completed by the Senate prior to adjournment.

I had the opportunity to visit the Los Padres National Forest during the last Congress and saw firsthand that the wilderness areas designated by this bill contain natural, scenic, recreational, and wildlife resources of high value as wilderness. The areas include deer, mountain lion, bear, bobcat, fox, and bighorn sheep. They also include habitat for the near extinct California condor. The preservation of this habitat is critical to condor recovery efforts. Other unique features include unusual geological formations such as Topatopa Mountain and Sespe Hot Springs and diverse vegetation spanning an ecological range from grasslands to chaparral to conifer forests. Trees include big cone Douglas firs, live oaks, sycamores, and California junipers. Unlike conifers in other parts of southern California, many of which have been damaged by air pollution, the conifers of the Los Padres National Forest are particularly healthy and vigorous because of clean air blowing into the forest from the Pacific Ocean. The potential wilderness areas also include outstanding recreational opportunities for solitude, hiking, horseback riding, trout fishing, swimming, and camping. Cultural resources include ancient Chumash Indian villages.

The wild and scenic river designations in the bill are among the only free flowing streams left in southern California. They include dramatic gorges, deep pools, and small waterfalls. Some of the streams contain rainbow trout and one of them, Sespe Creek, has an anadromous population of Pacific lamprey. Sespe Creek also is one of the few streams in southern California with the potential for the re-introduction of an anadromous steelhead population.

The provisions of this bill have been carefully worked out in a bipartisan manner and I urge my colleagues to support this bill and these additions to the National Wilderness and Wild and Scenic River Systems.

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

Mr. Speaker, today I rise in strong support of H.R. 2556, legislation which addresses wilderness and river protection issues in the Los Padres National Forest in southern California. This Los Padres Condor Range and River Protection Act represents the culmination of efforts of a number of parties over the last three Congresses and provides for comprehensive protection of resources within this heavily visited national forest. I want to express my strongest appreciation for the help and support of Congressmen ELTON GALLEGLY and BILL THOMAS. The chairman of the subcommittee, BRUCE VENTO, has been very helpful and cooperative, in fact,

he has gone out of his way to do so. The same is true, also, of my good friend and colleague LEON PANETTA. Congressman HAROLD VOLKMER has been very helpful, too.

In all, this bill will provide for designation of almost 400,000 additional acres of wilderness in seven different management areas, designation of 85 river miles on three different rivers under the Wild and Scenic River Act, wild and scenic river studies totaling 110 miles on four other rivers, and withdrawal of over 100,000 acres of some of America's most beautiful coastal lands from mineral entry. With the designation of wilderness under this measure, almost 50 percent of the land within this forest will have been permanently protected as wilderness, providing the Los Padres National Forest with one of the greatest percentages of wilderness designation of any national forest in the country.

Throughout the development of this measure, I have been guided by two basic objectives. First, was to ensure that lands recognized under this act fully meet the criteria set forth under the 1964 Wilderness Act and 1968 Wild and Scenic River Act. As a longtime supporter of both of these important pieces of legislation, I could certainly not be an advocate for any measure which would assault the integrity of these laws.

Second, I have attempted to develop a balanced piece of legislation, one that recognizes the legitimate interests of all forest users. Due to conflicting interests, it was not possible to develop a bill which meets the full approval of all the various interest groups. Numerous difficult choices had to be made in crafting this measure. In order to guide me in these difficult choices, I have relied heavily upon the expertise of the Forest Service, the extensive public comment developed through the 1988 forest planning process, and guidance from my colleagues in the House and Senate.

The bill before us today is similar to my bill which passed the House twice last Congress. Major changes made from last year's measure which passed the House include: First, addition of 30,000 acres of wilderness; second, inclusion of water rights language; third, prohibition of directional drilling wilderness; fourth, rewrite of wildlife management and watershed protection sections of the bill, and fifth, deletion of a study of 16 miles of the Arroyo Seco River from wild and scenic river study.

The centerpiece of this legislation is the Sespe wilderness unit. This 220,500-acre wilderness unit surrounds the 31.5-mile segment of Sespe Creek which would be designated for protection under the Wild and Scenic River Act.

I must point out that in proposing portions of Sespe Creek for wild and scenic designation, great care has been

taken to not foreclose the option for future water development projects at Cold Springs and Oat Mountain. On the other hand, this bill would prohibit construction of a water storage project at the Topatopa site, which is considered to be the best site for dam construction by water development interests.

It is important to recognize that this bill authorizes no dam construction on Sespe Creek or anywhere else. I have taken no position with respect to dam construction on Sespe Creek, because I believe that further study and a referendum of persons who would be affected by such a project are necessary prerequisites to any final decision. For Congress to make a decision at this point in time would be both premature and short sighted, especially in light of the drought conditions already facing southern California. I would also point out that until a final decision is made, this measure would ensure that all portions of the Sespe Creek within the forest would remain in their current, undeveloped state.

In addition to the Sespe Creek, my bill also provides for designation of 33 miles of the Sisquoc River within the forest and 19.5 miles of the Big Sur River. Other wilderness areas which would be designated under this bill are the 30,000-acre Matilija unit; 43,000-acre San Rafael unit; 14,600-acre Garcia unit; 38,200-acre Chumash unit; 38,000-acre Ventanna unit; and the 14,500-acre Silver Peak unit.

I have worked very closely with Senators SEYMOUR and CRANSTON in the development of this bill, and most of the difficult issues have been resolved among the three of us. I want to commend both Senators for their willingness to objectively evaluate and consider a full range of alternatives to address the issues contained in this bill. Their assistance and cooperative attitude will continue to be important as this measure proceeds through the legislative process. I would also like to recognize my cosponsors on this bill: Mr. GALLEGLY, Mr. THOMAS, and Mr. PANETTA. Between the four of us, we represent all of the land in Los Padres National Forest addressed by this measure.

Mr. Speaker, this legislation we are passing today represents a comprehensive and far-reaching addition to the National Wilderness System and the National Wild and Scenic River System. It will preserve and protect in perpetuity some of our most serene and secluded canyons, rivers, and peaks. In addition, by virtue of their close proximity to the urban areas of southern California, these resources will provide numerous diverse recreational opportunities to meet the demands of an ever increasing population. Therefore, I urge my colleagues to support this important legislation.

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

Mr. VENTO. Mr. Speaker, I want to commend the other cosponsors and those Members who have worked with the gentleman from California [Mr. LAGOMARSINO], certainly including the gentlemen from California, Mr. GALLEGLEY and Mr. THOMAS.

The gentleman from California [Mr. PANETTA] has made a special effort to be involved. This affects the area he represents, as well as areas represented by other Members. I want to commend him for his work and interest in this particular measure.

Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Speaker, I want to express my thanks to the gentleman from Minnesota [Mr. VENTO] for his help and his leadership in bringing this legislation to the floor. I am proud to be a cosponsor of the legislation. It provides, I think, some vital Federal protection to some very sensitive resources in the Los Padres National Forest.

This has taken a great deal of work and cooperation from a number of Members, including Chairman MILLER. The subcommittee chairman, the gentleman from Minnesota [Mr. VENTO], has provided tremendous assistance, and Chairman DE LA GARZA and the subcommittee chairman, the gentleman from Missouri [Mr. VOLKMER], of the Committee on Agriculture, have also been very helpful in terms of this legislation.

In particular, I want to pay tribute to the gentleman from California [Mr. LAGOMARSINO] for his role in drafting this legislation and moving it toward its fruition. This is legislation that was passed by Congress twice in the last Congress, and it was, unfortunately, never considered by the Senate due to some unresolved differences. As a result of a great number of negotiations dealing with all the Senators and all those affected, we have now arrived at what I think is a very good balanced bill providing strong environmental protection and allowing for the multiple uses that we have with our forest resources.

The Los Padres National Forest is really, I think, one of the most ecologically sensitive resources of the central coast of California. It is home, as pointed out by Chairman VENTO, to a number of rare and endangered species, including in fact the bald eagle, the peregrine falcon, and the California condor. This is really the last stronghold to try to bring back what is, as I think everyone admits, one of the unique species that needs to be protected for the future.

The bill would add about 38,000 acres to the existing 167,700 acres of the Ventana Wilderness in the Los Padres National Forest, in particular in the district that I represent.

□ 1430

It also would add about 14,500 acres in what is called the coastal Silver Peak Area as wilderness.

The legislation also provides for some very important additions to the Wild and Scenic River System. The ones in my district that I would refer to in particular are the Big Sur River, which is now established, would be established under this legislation as wild and scenic from its headwaters to the point where it emerges from the Ventana Wilderness.

Finally, I want to point out that there is a provision here that would set aside a redwood grove in the Silver Peak Area called the Nathaniel Owings Redwood Grove in honor of the late Nathaniel Owings, who was a renowned architect in the country, and actually was greatly involved in the restoration of Pennsylvania Avenue here in Washington. He was also a pioneer in efforts to protect and preserve the integrity of the Big Sur coastline. He lived there for many years and his wife, Margaret, continues to reside in that area. She, too, has been a great leader in terms of environmental issues in that area.

It is because of Mr. Owings' efforts and citizens like him that the Big Sur coastline has been able to remain in its pristine state. So dedicating this grove in his name is a fitting tribute to this man and his years of hard work on behalf of Big Sur.

In closing, Mr. Speaker, let me state that the Los Padres National Forest is a national treasure warranting strong and balanced protection, and this is exactly what is provided by this legislation.

Mr. Speaker, as a cosponsor of this bill, I rise in strong support of H.R. 2556, the Los Padres Condor Range and River Protection Act. This legislation will provide important new Federal protection to the sensitive resources of the Los Padres National Forest located along the central coast of California.

The House's consideration of this legislation has required a great deal of work and cooperation from a number of my colleagues and I would like to recognize these Members and thank them for their important contributions. Chairman MILLER and Chairman VENTO deserve special recognition for their assistance in having this legislation approved by the Interior and Insular Affairs Committee, as do Chairman DE LA GARZA and Chairman VOLKMER for facilitating the Agriculture Committee's timely consideration of H.R. 2556. I would also like to recognize the principal sponsor of this legislation, Mr. LAGOMARSINO, for his leadership role in drafting this legislation.

Legislation similar to H.R. 2556 was approved by the House two times in the last Congress, but was never considered by the Senate due to unresolved differences between the two Senators from California. I am pleased that after

many months of negotiations between myself, Senators CRANSTON and SEYMOUR, Congressman LAGOMARSINO, Congressman THOMAS, and Congressman GALLEGLEY, an agreement on the Los Padres legislation has been reached. Compromise and concessions were made by all parties involved and I believe that the legislation agreed to achieves a balance between the need to provide strong environmental protection and allow for multiple uses of the forest's resources.

The Los Padres National Forest is perhaps the most ecologically significant resource of central California. The forest is home to many rare and endangered species such as the bald eagle, peregrine falcon, and the California condor, and offers outstanding recreational opportunities for the residents of California as well.

In my own congressional district, the bill would add nearly 38,000 acres to the existing 167,700 acres Ventana Wilderness in the Los Padres National Forest. The areas in the Ventana addition include Bear Mountain, Black Butte, and Junipero Serra Peak. Furthermore, the bill would designate approximately 14,500 acres in the coastal Silver Peak Area as wilderness.

H.R. 2556 also makes additions to the wild and scenic rivers system within my congressional district. First, the legislation designates the Big Sur River as a wild and scenic river from its headwaters to the point at which it emerges from the Ventana Wilderness. Second, the bill directs the Secretary of Agriculture to study the Little Sur River, from its headwaters to the Pacific Ocean, for possible inclusion in the wild and scenic rivers systems. As was included in the Los Padres Wilderness bill which passed the House last Congress, this legislation specifically directs the Secretary to consult with the Big Sur Multi-Agency Council during this study to ensure that local interests and concerns are recognized and reflected in the Forest Service's study. The Big Sur Multi-Agency Council has played a vital role in ensuring the proper management of the Big Sur Area and I believe that its participation in this study will be a benefit to both the Forest Service and the local residents.

The legislation also includes a mineral withdrawal clause for the Big Sur region which would prohibit the issuance of new mineral claims in this area. The mineral withdrawal clause would apply to approximately 100,000 acres of coastline and is strongly supported by the Forest Service, the California Coastal Commission and the local Big Sur community. This provision would provide important new protection to this treasured area and I am very pleased that it has been included in this legislation.

Finally, the bill includes a provision to name a redwood grove in the Silver

Peak Wilderness Addition the "Nathaniel Owings Redwood Grove" in honor of the late Nathaniel Owings who was a renowned architect and a pioneer of efforts to preserve the integrity of the Big Sur coastline. It is largely because of Mr. Owings' efforts that the Big Sur coastline remains in a pristine state. Dedicating this coastal redwood grove in his name is a fitting tribute to this man and his years of hard work on behalf of Big Sur.

In closing, Mr. Speaker, let me state that the Los Padres National Forest is a national treasure warranting strong, yet balanced, protection. I encourage my colleagues to help us achieve that goal by supporting this legislation.

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

Mr. PANETTA. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I did want to mention and recognize the contribution to this legislation of an environmentalist from Ventura County named Eugene Marshall who died not so long ago.

We, like the gentleman from California [Mr. PANETTA], were able to honor him by naming a trail after him as the gentleman from California [Mr. PANETTA] named a grove after Nathaniel Owings.

I want to rise today to again commend Mr. Marshall for his efforts on behalf of this legislation. He saw the need for balanced legislation. He did it, I might say at great personal cost, because his stand was not always that popular with some of his colleagues in some of the organizations to which he belonged.

Mr. Speaker, I just want his widow and others to know how much we appreciate what he did.

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

Mr. Speaker, of course I rose in support of this, and I would just point out that this is an exceptional measure, an important measure that has been worked on hard by the Members of the House, as well as the Committee on Interior and Insular Affairs, and others, including the gentleman from California [Mr. MILLER] and the gentleman from California [Mr. LEVINE].

Mr. Speaker, I think it is ironic that today I picked up one of the leading publications in the Nation and on the cover of it was questioning some of the problems that we are experiencing in the great State of California concerning the natural environment and other quality-of-life questions.

I must say I think this effort is a positive step forward, and we are doing a great deal here. Over half of the Los Padres National Forest will be declared wilderness with the passage of this act, as well as the preservation of various other parks.

Mr. Speaker, I know this is a State rich in natural and some cultural re-

sources. I think we are taking a step here today, and I know there is much to do with regard to meeting the concerns that have arisen with regard to the resources of the State. But this is certainly a major step forward this week with regard to the House passage of this measure, and I would urge that action.

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 2556, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HEALTH PROFESSIONS EDUCATION AMENDMENTS 1991

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3508) to amend the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3508

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Professions Education Amendments of 1991".

SEC. 2. PROGRAMS REGARDING EXPANSION OF ACCESS TO PRIMARY HEALTH SERVICES.

Part A of title VII of the Public Health Service Act (42 U.S.C. 292a et seq.) is amended by adding at the end the following new section:

"PRIORITIES IN PROVISION OF GRANTS AND CONTRACTS

"SEC. 711. (a) PRIORITIES REGARDING PRIMARY HEALTH SERVICES.—

"(1) IN GENERAL.—In the case of any entity that is an applicant for financial assistance under any provision of this title (other than any provision specified in paragraph (2)), the Secretary shall in providing the assistance give priority to the applicant if, subject to subsections (b) and (c)—

"(A) a substantial percentage of the providers who have completed the programs of the applicant for training in the health or allied health professions are providing primary health services to a substantial number of medically underserved individuals; or

"(B) the applicant has established policies in such programs that may reasonably be expected to result in the circumstance that a substantial percentage of the participants in the programs will upon completion of the programs provide such services to a substantial number of such individuals.

"(2) EXEMPTED PROGRAMS.—The provisions specified in this paragraph are sections 708, 788(c), and 794.

"(b) ADDITIONAL REQUIREMENT FOR MEDICAL SCHOOLS.—In the case of any school of

medicine or osteopathic medicine that is an applicant described in subsection (a), the Secretary shall in providing the assistance give priority under such subsection to the applicant only if, in addition to the requirement established in such subsection—

"(1) the applicant has a department, division, or other academic administrative unit to provide clinical instruction in family medicine; and

"(2) the applicant requires, as a condition of receiving a degree from the school, that each student of the school have had significant clinical training in family medicine by the end of the third year of the curriculum.

"(c) ADDITIONAL REQUIREMENT FOR RESIDENCY PROGRAMS.—In the case of any entity that has a residency program and that is an applicant described in subsection (a), the Secretary shall in providing the assistance give priority under such subsection to the applicant only if, in addition to the requirement established in such subsection, a substantial percentage of the individuals completing the residency program have had, through participation in the program—

"(1) significant experience in providing primary health services to medically underserved individuals; or

"(2) significant experience in providing such services in ambulatory health facilities.

"(d) RULE OF CONSTRUCTION.—In the case of the provision by the Secretary of financial assistance described in subsection (a)—

"(1) the requirements established in this section regarding receipt of the assistance are in addition to the requirements of the program authorizing the provision of the assistance; and

"(2) this section may not be construed as authorizing the Secretary to provide such assistance to any entity that would not have been eligible for the assistance had this section not been enacted.

"(e) DEFINITIONS.—For purposes of this section:

"(1) The term 'financial assistance' means a grant, cooperative agreement, or contract.

"(2) The term 'medically underserved individuals' means individuals who are members of a medically underserved population, as defined in section 330(b).

"(3) The term 'primary health services' has the meaning given such term in section 331(a).

"(4) The term 'providers' means individuals who are practitioners in the health or allied health professions."

SEC. 3. FEDERAL PROGRAM OF INSURED LOANS TO GRADUATE STUDENTS IN HEALTH PROFESSIONS SCHOOLS.

(a) SCOPE AND DURATION OF FEDERAL LOAN INSURANCE PROGRAM.—Section 728(a) of the Public Health Service Act (42 U.S.C. 294a(a)) is amended—

(1) in the first sentence—

(A) by striking "and" after "1990"; and

(B) by inserting before the period the following: "; \$365,000,000 for fiscal year 1992; \$425,000,000 for fiscal year 1993; and \$475,000,000 for fiscal year 1994"; and

(2) in the third sentence, by striking "1994," and inserting "1997,".

(b) ELIGIBILITY OF STUDENT BORROWERS AND TERMS OF FEDERALLY INSURED LOANS.—Section 731(a)(2)(B) of the Public Health Service Act (42 U.S.C. 294d(a)(2)(B)) is amended in the matter preceding clause (i) by striking "not later than 12 months" and inserting "not later than 21 months".

(c) CERTIFICATE OF FEDERAL LOAN INSURANCE.—Section 732(c)(1) of the Public Health Service Act (42 U.S.C. 294e(c)(1)) is amended—

(1) in the first sentence by striking "not to exceed 8 percent" and inserting "not to exceed 13 percent"; and

(2) by inserting after the first sentence the following new sentence: "In charging premiums pursuant to such regulations, the Secretary may charge a different percentage for each of the health professions specified in section 737(1), subject to the limitation established in the preceding sentence."

(d) **DEFAULT RATES REGARDING ELIGIBLE INSTITUTIONS, ELIGIBLE LENDERS, AND HOLDERS.**—

(1) **IN GENERAL.**—Section 733(i) of the Public Health Service Act (42 U.S.C. 294f(i)) is amended to read as follows:

"(1)(1) In the case of any Federal insurance under this subpart for loans entering repayment status after April 7, 1987, the Secretary may impose on eligible institutions, eligible lenders, and holders reasonable limits on default rates for borrowers on the loans.

"(2)(A) If any limit under paragraph (1) for an eligible institution is exceeded, the Secretary may suspend, terminate, or otherwise restrict the authority established in this subpart for students of the institution to obtain insured loans.

"(B) If any limit under paragraph (1) for an eligible lender is exceeded, the Secretary may suspend, terminate, or otherwise restrict the authority established in this subpart for students to obtain insurance for loans made by the lender.

"(C) If any limit under paragraph (1) for a holder is exceeded, the Secretary may suspend, terminate, or otherwise restrict the authority established in this subpart for the holder to purchase loans that are insured under this subpart.

"(3)(A) In the case of eligible institutions, the limitation imposed under paragraph (1) shall be applied individually to the health professions specified in section 737(1). If the limit is exceeded by a health professions school of an eligible institution, the Secretary may take action under paragraph (2) against the institution only with respect to loans for attending such school.

"(B) Subparagraph (A) may not be construed to authorize the Secretary to establish different limits under paragraph (1) for each of the health professions specified in section 737(1). Only a single limitation may be in effect under such paragraph, and the limitation shall be uniformly applied.

"(4) As used in paragraph (1), the term 'default rate', in the case of an eligible entity, means the percentage constituted by the ratio of—

"(A) the principal amount of loans insured under this subpart—

"(i) that are made with respect to the entity and enter repayment status after April 7, 1987; and

"(ii) for which amounts have been paid under subsection (a) to insurance beneficiaries, exclusive of any loans for which amounts have been so paid as a result of the death or total and permanent disability of the borrowers on the loans, and exclusive of any loans for which amounts have been so paid and have been recovered or are being recovered by the Secretary pursuant to subsection (b) or may not be recovered by reason of the obligation under the loan being discharged in bankruptcy under title 11 of the United States Code; to

"(B) the total principal amount of loans insured under this subpart that are made with respect to the entity and enter repayment status after April 7, 1987.

"(5) For purposes of this subsection, a loan insured under this subpart shall be consid-

ered to have entered repayment status if the applicable period described in subparagraph (B) of section 731(a)(2) regarding the loan has expired (without regard to whether any period described in subparagraph (C) is applicable regarding the loan).

"(6)(A) As used in this subsection, the term 'eligible entity' means an eligible institution, an eligible lender, or a holder, as the case may be.

"(B) For purposes of paragraph (4), a loan is made with respect to an eligible entity if—

"(i) in the case of an eligible institution, the loan was made to students of the institution;

"(ii) in the case of an eligible lender, the loan was made by the lender; and

"(iii) in the case of a holder, the loan was purchased by the holder.

"(7) As used in this subsection, the term 'holder' means an entity that has purchased a loan insured under this subpart."

(2) **CONFORMING AMENDMENT.**—Section 737 of the Public Health Service Act (42 U.S.C. 294f) is amended by adding at the end the following new paragraph:

"(5) The term 'default rate', with respect to loans under this subpart, has the meaning given such term in section 733(1)."

(e) **ESTABLISHMENT OF OFFICE OF STUDENT LOAN DEBT COLLECTION.**—Subpart I of part C of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by inserting after section 733 the following new section:

"OFFICE OF STUDENT LOAN DEBT COLLECTION

"SEC. 733A. (a) **IN GENERAL.**—There is established within the Division of Student Assistance of the Health Resources and Services Administration an office to be known as the Office on Student Loan Debt Collections (hereafter in this section referred to as the 'Office'), which shall be headed by a director appointed by the Secretary. The Secretary shall carry out this section acting through the Director of the Office.

"(b) **PURPOSES.**—The Director of the Office shall—

"(1) coordinate efforts within the Department of Health and Human Services and the Department of Justice to recover, pursuant to section 733(b), payments from health professionals who have defaulted on loans that are insured under this subpart;

"(2) in cooperation with the Secretary of Education, develop a uniform deferral form or a process that will ensure coordination in deferment certification requirements for in-school, residency, and internship deferments;

"(3) provide advice to eligible lenders, eligible institutions, and holders on the availability under section 731(a)(2)(C) of deferrals of the obligation to make payments on loans that are insured under this subpart, and of the provisions of this subpart that relate to collection of the principal and interest due on the loans;

"(4) assist students in avoiding default by making information on loan deferments, forbearance, and correction of default readily available; and

"(5) directly or through the provision of grants or contracts to public or nonprofit entities, carry out projects designed to reduce the extent of defaults on loans insured under this subpart.

"(c) **ANNUAL REPORT.**—The Director of the Office shall annually submit to the Congress a report specifying—

"(1) the total amounts recovered pursuant to section 733(b) during the preceding fiscal year; and

"(2) a plan for improving the extent of such recoveries during the current fiscal year."

SEC. 4. STUDENT LOAN AGREEMENTS REGARDING DISADVANTAGED INDIVIDUALS.

Section 742(b)(5) of the Public Health Service Act (42 U.S.C. 294c(b)(5)) is amended by adding at the end the following new sentence: "Funds described in the preceding sentence shall not be available for any purpose other than allotment under this subpart."

SEC. 5. SCHOLARSHIPS FOR FIRST-YEAR STUDENTS OF EXCEPTIONAL NEED.

Section 758(d) of the Public Health Service Act (42 U.S.C. 294z(d)) is amended—

(1) by striking "and" after "1990"; and

(2) by inserting before the period the following: "\$9,760,000 for fiscal year 1992, \$11,000,000 for fiscal year 1993, and \$13,000,000 for fiscal year 1994".

SEC. 6. LOAN REPAYMENT PROGRAM REGARDING SERVICE BY DISADVANTAGED STUDENTS ON FACILITIES OF CERTAIN HEALTH PROFESSIONS SCHOOLS.

(a) **INELIGIBILITY OF CURRENT FACULTY.**—Section 761(e)(1) of the Public Health Service Act (42 U.S.C. 294cc(e)(1)) is amended by inserting before the semicolon the following: ", and the individual has not been a member of the faculty of any school at any time during the 18-month period preceding the date on which the Secretary receives the request of the individual for a contract under subsection (a)".

(b) **AMOUNT OF ANNUAL PAYMENTS.**—Section 761(d) of the Public Health Service Act (42 U.S.C. 294cc(d)) is amended—

(1) by striking "Payments made by the Secretary under subsection (a)" and inserting "Payments made under this section"; and

(2) by striking "50 percent" and all that follows and inserting the following: "20 percent of the outstanding principal and interest on the loans."

SEC. 7. ESTABLISHMENT OF DEPARTMENTS OF FAMILY MEDICINE.

Section 780(d) of the Public Health Service Act (42 U.S.C. 295g(d)) is amended to read as follows:

"(d)(1) For the purpose of carrying out this section, there is authorized to be appropriated \$6,830,000 for fiscal year 1992.

"(2) Effective October 1, 1992, this section is repealed."

SEC. 8. AREA HEALTH EDUCATION CENTERS.

(a) **ESTABLISHMENT OF ADDITIONAL FUNDING AUTHORITY.**—

(1) **STATE-SUPPORTED AHECS.**—Section 781(a) of the Public Health Service Act (42 U.S.C. 295g-1(a)) is amended by adding at the end the following new paragraph:

"(3)(A) In the case of any school of medicine or osteopathic medicine that is operating an area health education center program and that is not receiving assistance under paragraph (1), the Secretary may enter into a contract with the school for the costs of operating the program if—

"(i) the school makes the agreements described in subparagraphs (B) through (D); and

"(ii) the program meets the requirements of each of subsections (b) through (d).

"(B)(i) For purposes of subparagraph (A), the agreement described in this subparagraph for a school is that, with respect to the costs of operating the area health education center program of the school, the school will make available (directly or through donations from public or private entities) non-Federal contributions in cash toward such costs in an amount that—

"(I) for the first fiscal year for which a contract under subparagraph (A) is received, is not less than 30 percent of such costs;

"(II) for the second such year, is not less than 40 percent of such costs; and

"(III) for any subsequent such year, is not less than 50 percent of such costs.

"(ii) Amounts provided by the Federal Government may not be included in determining the amount of non-Federal contributions in cash made for purposes of the requirement established in clause (i).

"(C) For purposes of subparagraph (A), the agreement described in this subparagraph for a school is that, in operating the area health education program of the school, the school will—

"(i) coordinate the activities of the program with the activities of any office of rural health established by the State or States in which the program is operating;

"(ii) conduct health professions education and training activities consistent with national and State priorities in the area served by the program in coordination with the National Health Service Corps, entities receiving funds under section 329 or 330, and public health departments; and

"(iii) cooperate with any entities that are in operation in the area served by the program and that receive Federal or State funds to carry out activities regarding the recruitment and retention of health care providers.

"(D) For purposes of subparagraph (A), the agreement described in this subparagraph for a school is that, with respect to the costs of operating the area health education center program of the school, the school will maintain expenditures of non-Federal amounts for such costs at a level that is not less than the level of such expenditures maintained by the school for the fiscal year preceding the first fiscal year for which the school receives a contract under subparagraph (A).

"(E) In providing contracts under subparagraph (A), the Secretary may authorize the school involved to expend not more than 10 percent of the amounts provided in the contract for demonstration projects that the Secretary has determined are appropriate for the area health education center program operated by the school. Projects that may be authorized for purposes of the preceding sentence include—

"(i) the establishment of computer-based information programs or telecommunication networks that will link health science centers and service delivery sites;

"(ii) the provision of disease specific educational programs for health providers and students in areas of concern to the United States;

"(iii) the development of information dissemination models to make available new information and technologies emerging from biological research centers to the practicing medical community;

"(iv) the institution of new minority recruitment and retention programs, targeted to improved service delivery in areas the program determines to be medically underserved;

"(v) the establishment of State health service corps programs to place physicians from health manpower shortage areas into similar areas to encourage retention of physicians and to provide flexibility to States in filling positions in health professional shortage areas; and

"(vi) the establishment or improvement of education and training programs for State emergency medical systems.

"(F) The aggregate amount of contracts provided under subparagraph (A) to schools in a State for a fiscal year may not exceed the lesser of—

"(i) \$2,000,000; and

"(ii) an amount equal to the product of \$250,000 and the aggregate number of centers operated in the State by the schools."

(2) CONFORMING AMENDMENT REGARDING MATCHING FUNDS UNDER ADDITIONAL AUTHORITY.—Section 781(e)(2) of the Public Health Service Act (42 U.S.C. 295g-1(e)(2)) is amended by inserting before "not more" the following: "except in the case of contracts under subsection (a)(3)."

(3) FUNDING FOR ADDITIONAL AUTHORITY.—Section 781(h) of the Public Health Service Act (42 U.S.C. 295g-1(h)) is amended by adding at the end the following new paragraph:

"(3) For the purpose of carrying out subsection (a)(3), there are authorized to be appropriated \$800,000 for fiscal year 1992, \$2,800,000 for fiscal year 1993, and \$5,500,000 for fiscal year 1994."

(b) GENERAL REQUIREMENTS FOR ADDITIONAL AUTHORITY AND FOR EXISTING AUTHORITIES OTHER THAN HEALTH EDUCATION AND TRAINING CENTERS.—

(1) CERTAIN REQUIREMENTS.—Section 781(b) of the Public Health Service Act (42 U.S.C. 295g-1(b)) is amended—

(A) by inserting "(1)" after the subsection designation; and

(B) by adding at the end the following new paragraph:

"(2) With respect to an area health education center program, a school may not receive a contract under paragraph (1) of subsection (a) for operational expenses, or a contract under paragraph (2) or (3) of such subsection, unless the program—

"(A) maintains preceptorship educational experiences for health science students;

"(B) maintains community-based primary care residency programs or is affiliated with such programs;

"(C) maintains continuing education programs for health professionals or coordinates with such programs;

"(D) maintains learning resource and dissemination systems for information identification and retrieval;

"(E) has agreements with community-based organizations for the delivery of education and training in the health professions;

"(F) is involved in the training of health professionals (including nurses and allied health professionals), except to the extent inconsistent with the law of the State in which the training is conducted; and

"(G) carries out recruitment programs for the health science professions, or programs for health-career awareness, among minority and other elementary or secondary students from areas the program has determined to be medically underserved."

(2) AGREEMENTS REGARDING ALLOCATION OF FUNDS FOR CENTERS.—Section 781(e)(1) of the Public Health Service Act (42 U.S.C. 295g-1(e)(1)) is amended by inserting before the semicolon at the end the following: ", and the school shall enter into an agreement with each of such centers for purposes of specifying the allocation of such 75 percent".

(c) CERTAIN REQUIREMENTS REGARDING EXISTING AUTHORITY FOR DEVELOPMENT AND OPERATION OF PROGRAMS.—

(1) DURATION OF CONTRACT.—Section 781(a)(1) of the Public Health Service Act (42 U.S.C. 295g-1(h)(1)) is amended—

(A) by inserting "(A)" after the paragraph designation; and

(B) by adding at the end the following new subparagraph:

"(B)(i) Subject to clause (ii), the period during which payments are made under a contract under subparagraph (A) may not exceed 12 years. The provision of the payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments. The

preceding sentence may not be construed to establish a limitation on the number of contracts under such subparagraph that may be made to the school involved.

"(ii) In the case of an area health education center developed or operated pursuant to a contract under subparagraph (A), the period during which the contract is expended for the center may not exceed 6 years."

(2) ALTERNATIVE MATCHING REQUIREMENTS IN NEW PROGRAMS FOR CENTERS FOR CERTAIN YEARS.—Section 781(e) of the Public Health Service Act, as amended by subsections (a)(2) and (b)(2) of this section, is amended—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by striking "(e) In entering into contracts under this section" and inserting the following:

"(e)(1) Subject to paragraph (2), in entering into contracts under this section,"; and

(C) by adding at the end the following new paragraphs:

"(2) With respect to the period during which an area health education center is developed or operated pursuant to a contract under subsection (a)(1), not more than 55 percent of the total amounts expended for the development or operation of the center in any fifth or sixth year of such period may be provided by the Secretary, subject to paragraph (3).

"(3) Paragraph (2) shall apply only in the case of an area health education center program for which the initial contract under subsection (a)(1) is provided on or after the date of the enactment of the Health Professions Education Amendments of 1991."

(d) FUNDING FOR EXISTING AUTHORITIES OTHER THAN HEALTH EDUCATION AND TRAINING CENTERS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 781(h)(1) of the Public Health Service Act (42 U.S.C. 295g-1(h)(1)) is amended in the first sentence—

(A) by striking "and" after "1989,"; and

(B) by inserting before the period the following: ", \$19,200,000 for fiscal year 1992, \$19,200,000 for fiscal year 1993, and \$18,500,000 for fiscal year 1994".

(2) ALLOCATION FOR CERTAIN PROJECTS.—Section 781(h)(1) of the Public Health Service Act (42 U.S.C. 295g-1(h)(1)) is amended in the second sentence by striking "10 percent" and inserting "20 percent".

(e) HEALTH EDUCATION AND TRAINING CENTERS.—

(1) PARTICIPATION WITH SCHOOLS OF PUBLIC HEALTH.—Section 781(f)(5) of the Public Health Service Act (42 U.S.C. 295g-1(f)(5)) is amended—

(A) in subparagraph (G), by striking "and" after the semicolon at the end;

(B) in subparagraph (F), by striking the period and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(I) In the case of any school of public health located in the service area of the health education and training center operated with the assistance, to permit any such school to participate in the program of the center if the school makes a request to so participate."

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 781(h)(2) of the Public Health Service Act (42 U.S.C. 295g-1(h)(2)) is amended

(A) by striking "and" after "1990,"; and

(B) by inserting before the period the following: ", \$4,000,000 for fiscal year 1992, \$5,000,000 for fiscal year 1993, and \$6,000,000 for fiscal year 1994".

SEC. 9. PROGRAMS OF EXCELLENCE IN HEALTH PROFESSIONS EDUCATION FOR MINORITIES.

(a) **IN GENERAL.**—Section 782(g)(1)(A) of the Public Health Service Act (42 U.S.C. 295g-2(g)(1)(A)) is amended by inserting "a school of osteopathic medicine," after "a school of medicine."

(b) **TECHNICAL CORRECTIONS.**—Section 782 of the Public Health Service Act (42 U.S.C. 295g-2) is amended—

(1) in subsection (a), by striking "profession schools" and inserting "professions schools";

(2) in subsection (c)—

(A) in paragraph (3), in the matter preceding subparagraph (A), by striking "this subparagraph" and inserting "this paragraph"; and

(B) in paragraph (4)(C)(ii), by striking "subparagraph (A)," and inserting "clause (i)," and

(3) in subsection (h)(2)(A), by striking "and" at the end and inserting a period.

SEC. 10. TRAINING, TRAINEESHIPS, AND FELLOWSHIPS IN GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, AND EMERGENCY MEDICINE.

(a) **IN GENERAL.**—Section 784(a) of the Public Health Service Act (42 U.S.C. 295g-4(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

"(1) to plan, develop, and operate, or participate in, an approved professional training program (including an approved residency or internship program) in the field of internal medicine or pediatrics for medical (M.D. and D.O.) students, interns (including interns in internships in osteopathic medicine), residents, or practicing physicians, which training program emphasizes training for the practice of general internal medicine or general pediatrics (as defined by the Secretary in regulations);

"(2) to provide financial assistance (in the form of traineeships and fellowships) to medical (M.D. and D.O.) students, interns (including interns in internships in osteopathic medicine), residents, practicing physicians, or other medical personnel, who are in need thereof, who are participants in any such program training program, and who plan to specialize in or work in the practice of general internal medicine or general pediatrics";

(b) **EMERGENCY MEDICINE.**—Section 784(a) of the Public Health Service Act (42 U.S.C. 295g-4(a)) is amended—

(1) in paragraph (3), by striking "and" after the semicolon at the end;

(2) in paragraph (4), by striking the period at the end and inserting "and"; and

(3) by adding at the end the following new paragraph:

"(5) to plan and develop approved residency training programs in emergency medicine."

(c) **AUTHORIZATION OF APPROPRIATIONS.**—Section 784(c) of the Public Health Service Act (42 U.S.C. 295g-4(c)) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) in paragraph (1) (as so designated)—

(A) by striking "this section," and inserting "this section (other than subsection (a)(5))";

(B) by striking "and" after "1990,"; and

(C) by inserting before the period the following: "\$17,260,000 for fiscal year 1992, \$18,500,000 for fiscal year 1993, and \$20,000,000 for fiscal year 1994"; and

(3) by adding at the end the following new paragraph:

"(2) For the purpose of carrying out subsection (a)(5), there are authorized to be appropriated \$300,000 for each of the fiscal years 1992 through 1994."

SEC. 11. RESIDENCY PROGRAMS IN GENERAL PRACTICE OF DENTISTRY.

Section 785(b) of the Public Health Service Act (42 U.S.C. 295g-5(b)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting before the period the following: "\$3,830,000 for fiscal year 1992, \$4,500,000 for fiscal year 1993, and \$6,000,000 for fiscal year 1994".

SEC. 12. FAMILY MEDICINE.

Section 786(c) of the Public Health Service Act (42 U.S.C. 295g-6(c)) is amended—

(1) by striking "and" after "1990,"; and

(2) by inserting before the period the following: "\$36,100,000 for fiscal year 1992, \$45,000,000 for fiscal year 1993, and \$47,000,000 for fiscal year 1994".

SEC. 13. EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.

(a) **EQUITABLE DISTRIBUTION OF GRANTS AND ALLOCATION OF SERVICES AND ACTIVITIES.**—Section 787(b) of the Public Health Service Act (42 U.S.C. 295g-7(b)) is amended by adding at the end the following new paragraph:

"(5) The Secretary shall ensure that grants and contracts under paragraph (1) of subsection (a) are equitably distributed geographically, and in the case of individuals who are individuals from disadvantaged backgrounds, that services and activities under paragraph (2) of such subsection are equitably allocated among the various racial and ethnic populations."

(b) **AUTHORIZATION OF APPROPRIATIONS.**—Section 787(c) of the Public Health Service Act (42 U.S.C. 295g-7(c)) is amended in the first sentence—

(1) by striking "and" after "1990,"; and

(2) by inserting before the period the following: "\$30,820,000 for fiscal year 1992, and \$31,500,000 for fiscal year 1993".

SEC. 14. SPECIAL PROJECTS UNDER SECTION 788.

(a) **TRAINING IN PREVENTIVE MEDICINE.**—Part G of title VII of the Public Health Service Act (42 U.S.C. 295h et seq.) is amended—

(1) by striking subsections (a) through (c) of section 793;

(2) by transferring subsection (c) of section 788 to section 793 and—

(A) by redesignating the subsection as subsection (a);

(B) by striking "TRAINING IN PREVENTIVE MEDICINE" in the heading of the subsection and inserting "IN GENERAL"; and

(C) by striking "IN GENERAL" in the heading of paragraph (1) of the subsection and inserting "GRANTS AND CONTRACTS"; and

(3) by adding at the end of section 793 (as so amended) the following new subsection:

"(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated \$1,650,000 for fiscal year 1992, \$2,000,000 for fiscal year 1993, and \$2,000,000 for fiscal year 1994."

(b) **AUTHORIZED PROJECTS.**—

(1) **IN GENERAL.**—Section 788 of the Public Health Service Act, as amended by subsection (a) of this section, is amended—

(A) by striking subsections (a), (b), and (f); and

(B) by redesignating subsections (d) and (e) as subsections (a) and (b), respectively.

(2) **HEALTH PROFESSIONS RESEARCH.**—Section 788 of the Public Health Service Act, as amended by paragraph (1) of this subsection, is amended by adding at the end the following new subsection:

"(c) **HEALTH PROFESSIONS RESEARCH.**—The Secretary may make grants to and enter into contracts with public and nonprofit private entities for the conduct of research on one or more of the following topics:

"(1) The impact of student indebtedness on speciality choice and practice location.

"(2) The impact of minority health professional programs in majority schools on recruitment, retention, and practice choices of minority health personnel.

"(3) The effects of graduate medical education payments on the distribution of physician specialties.

"(4) The effectiveness and variation of State licensing authorities in identifying problem providers and undertaking disciplinary actions."

(3) **FUNDING.**—Section 788 of the Public Health Service Act, as amended by paragraph (2) of this subsection, is amended by adding at the end the following new subsection:

"(d) **AUTHORIZATION OF APPROPRIATIONS.**—

"(1) **PHYSICIAN ASSISTANTS.**—For the purpose of carrying out subsection (a), there are authorized to be appropriated \$7,000,000 for fiscal year 1992, \$7,000,000 for fiscal year 1993, and \$9,000,000 for fiscal year 1994.

"(2) **PODIATRIC PHYSICIANS.**—For the purpose of carrying out subsection (b), there are authorized to be appropriated \$600,000 for fiscal year 1992, \$750,000 for fiscal year 1993, and \$750,000 for fiscal year 1994.

"(3) **HEALTH PROFESSIONS RESEARCH.**—For the purpose of carrying out subsection (c), there is authorized to be appropriated \$1,020,000 for fiscal year 1992, \$1,200,000 for fiscal year 1993, and \$1,200,000 for fiscal year 1994."

SEC. 15. AUTHORIZATION OF APPROPRIATIONS FOR TRAINING WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME.

(a) **MARRIAGE AND FAMILY THERAPISTS.**—Section 788A(a)(1) of the Public Health Service Act (42 U.S.C. 295g-8(a)(1)) is amended by inserting "marriage and family therapy," after "psychology,".

(b) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Section 788A(e) of the Public Health Service Act (42 U.S.C. 295g-8b(e)) is amended by striking "There are" and all that follows and inserting the following: "For the purpose of carrying out this section other than subsection (f), there are authorized to be appropriated \$17,020,000 for fiscal year 1992, \$19,000,000 for fiscal year 1993, and \$21,000,000 for fiscal year 1994."

(2) **DENTAL SCHOOLS.**—Section 788A(f)(5) of the Public Health Service Act (42 U.S.C. 295g-8b(f)(5)) is amended by striking "For the purpose" and all that follows and inserting the following: "For the purpose of carrying out this subsection, there are authorized to be appropriated \$7,000,000 for fiscal year 1992, \$8,000,000 for fiscal year 1993, and \$10,000,000 for fiscal year 1994."

SEC. 16. ESTABLISHMENT OF PROVISIONS REGARDING MEDICAL SOCIAL WORK.

(a) **EDUCATIONAL ASSISTANCE TO INDIVIDUALS FROM DISADVANTAGED BACKGROUNDS.**—Section 787 of the Public Health Service Act (42 U.S.C. 295g-7) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "public and nonprofit private schools which offer graduate programs in clinical psychology," and inserting "graduate programs in clinical psychology or medical social work,"; and

(B) in paragraph (2)(A), by inserting "(including medical social work)" before the comma at the end; and

(2) in subsection (b)(1), by striking "public and nonprofit schools that offer graduate programs in clinical psychology" and inserting "graduate programs in clinical psychology or medical social work".

(b) **TRAINING WITH RESPECT TO ACQUIRED IMMUNE DEFICIENCY SYNDROME.**—Section

788A(a)(1) of the Public Health Service Act, as amended by section 15(a) of this Act, is amended by striking "and allied health" and inserting "allied health, and medical social work".

(c) HEALTH PROFESSIONS DATA.—Section 708(a) of the Public Health Service Act (42 U.S.C. 292h) is amended in the second sentence by inserting "medical social workers," after "clinical psychologists,".

(d) DEFINITIONS.—Section 701 of the Public Health Service Act (42 U.S.C. 292h) is amended—

(1) in paragraph (4), by adding at the end the following new sentences: "The term 'graduate program in medical social work' means an accredited graduate program in a public or nonprofit private institution in a State which provides training leading to a graduate degree in social work and which in providing such training emphasizes the provision of social services related to health care or mental health care. The term 'medical social work' means the provision of such social services, and the term 'medical social worker' means an individual who provides such social services."; and

(2) in paragraph (5), by striking "in clinical psychology," and inserting "in clinical psychology or medical social work,".

SEC. 17. GERIATRIC EDUCATION CENTERS AND GERIATRIC TRAINING.

(a) GERIATRIC TRAINING.—

(1) PHYSICIANS AND DENTISTS.—

(A) Section 789(b)(2)(A) of the Public Health Service Act (42 U.S.C. 295g-9(b)(2)(A)) is amended by inserting "or geriatric psychiatry" before the semicolon.

(B) Section 789(b)(3)(B) of the Public Health Service Act (42 U.S.C. 295g-9(b)(3)(B)) is amended—

(i) in the matter preceding clause (i), by striking "1-year or"; and

(ii) by amending clause (ii) to read as follows:

"(i) dentists who have demonstrated a commitment to an academic career, and who have completed postdoctoral dental training programs, or who have relevant training or experience."

(2) OPTOMETRISTS.—Section 789 of the Public Health Service Act (42 U.S.C. 295g-9) is amended—

(A) in subsection (b), in the heading for the subsection, by inserting before the period the following: "REGARDING PHYSICIANS AND DENTISTS";

(B) by redesignating subsection (c) as subsection (d); and

(C) by inserting after subsection (b) the following new subsection:

"(c) GERIATRIC TRAINING REGARDING OPTOMETRISTS.—The Secretary may make grants to, and enter into contracts with, schools and colleges of optometry for the purpose of providing support for geriatric training programs to improve the training of optometrists in geriatrics and to train optometrists who plan to teach geriatric optometry—

"(1) to plan, develop, and operate projects in geriatric care training for optometric residency programs;

"(2) to provide financial assistance (in the form of residencies, traineeships, and fellowships) to participants in such programs; and

"(3) to establish new affiliations with nursing homes, ambulatory care centers, senior centers, and other public or nonprofit private entities."

(b) FUNDING.—Section 789(d) of the Public Health Service Act, as redesignated by subsection (a)(2) of this section, is amended to read as follows:

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—For grants and contracts under subsections (a) through (c), there are authorized to be appropriated \$13,710,000 for fiscal year 1992, \$14,000,000 for fiscal year 1993, and \$15,000,000 for fiscal year 1994.

"(2) ALLOCATION.—With respect to the amounts appropriated under paragraph (1) for a fiscal year, of such amounts reserved by the Secretary to provide grants and contracts for geriatric training, the Secretary shall make available \$400,000 for grants and contracts under subsection (c)."

SEC. 18. GENERAL PROVISIONS.

Section 790 of the Public Health Service Act (42 U.S.C. 295g-10) is amended—

(1) by moving each of paragraphs (1) through (3) 2 ems to the right; and

(2) in paragraph (5)(A), in the first sentence, by striking "evaluation" the second place such term appears and inserting "application".

SEC. 19. SPECIAL PROJECTS UNDER SECTION 790A.

(a) YEAR 2000 HEALTH OBJECTIVES.—Section 790A(a) of the Public Health Service Act (42 U.S.C. 295g-11(a)) is amended to read as follows:

"(a) IN GENERAL.—The Secretary may make grants to and enter into contracts with schools of public health for the costs of planning, developing, demonstrating, operating, and evaluating projects—

"(1) to establish comprehensive programs of education at the school that are appropriate with respect to meeting the objectives established by the Secretary for the health status of the population of the United States for the year 2000, which programs may include the provision of significant clinical training in identifying victims of domestic violence and in providing treatment for medical conditions arising from such violence;

"(2) to recruit individuals for education in health specialties in which an increased number of practitioners is necessary to meet such objectives; and

"(3) to improve access to community-based health programs, including programs providing preventive health services."

(b) CONFORMING AMENDMENT.—Section 790A of the Public Health Service Act (42 U.S.C. 295g-11) is amended in the heading for the section by inserting before the period the following: "REGARDING YEAR 2000 HEALTH OBJECTIVES".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 790A(d) of the Public Health Service Act (42 U.S.C. 295g-11) is amended—

(1) by striking "and" after "1990"; and

(2) by inserting before the period the following: "\$3,760,000 for fiscal year 1992, \$4,000,000 for fiscal year 1993, and \$4,000,000 for fiscal year 1994".

(d) TRANSFER OF SECTION.—Title VII of the Public Health Service Act (42 U.S.C. 292a et seq.), as amended by subsections (a) through (c) of this section, is amended—

(1) by transferring section 790A from the current placement of the section;

(2) by redesignating the section as section 792A; and

(3) by inserting the section after section 792.

SEC. 20. GRADUATE PROGRAMS IN HEALTH ADMINISTRATION.

Section 791(d) of the Public Health Service Act (42 U.S.C. 295h(d)) is amended to read as follows:

"(d)(1) For the purpose of making grants under this section, there is authorized to be appropriated \$1,550,000 for fiscal year 1992.

"(2) Effective October 1, 1992, this section is repealed."

SEC. 21. TRAINEESHIPS FOR STUDENTS IN OTHER GRADUATE PROGRAMS.

(a) PRIORITY REGARDING SERVICE WITH PUBLIC AND NONPROFIT PRIVATE ENTITIES.—Section 791A(b) of the Public Health Service Act (42 U.S.C. 295h-1a(b)) is amended by adding at the end the following new paragraph:

"(4) In providing for the award of traineeships under this section, the Secretary—

"(A) shall give priority to making grants under subsection (a) for programs described in such subsection that emphasize employment with public or nonprofit private entities in the fields with respect to which the traineeships are to be awarded; and

"(B) may make such grants only to entities that provide assurances satisfactory to the Secretary that the entities will give priority to awarding the traineeships to students who demonstrate a commitment to employment in such fields with public or nonprofit private entities."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 791A(c) of the Public Health Service Act (42 U.S.C. 295h-1a(c)) is amended—

(1) by striking "and" after "two fiscal years;" the second place such term appears; and

(2) by inserting before the period the following: "\$480,000 for fiscal year 1992; \$2,000,000 for fiscal year 1993; and \$2,500,000 for fiscal year 1994".

SEC. 22. PUBLIC HEALTH TRAINEESHIPS.

(a) ELIGIBILITY FOR TRAINEESHIPS.—

(1) IN GENERAL.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295h-1b(a)) is amended in the matter after and below paragraph (2) by inserting before the period the following: "to individuals described in subsection (b)(3)".

(2) ELIGIBLE INDIVIDUALS.—Section 792(b) of the Public Health Service Act (42 U.S.C. 295h-1b(b)) is amended—

(A) by striking paragraph (4); and

(B) by amending paragraph (3) to read as follows:

"(3) The individuals referred to in subsection (a) are individuals who—

"(A)(i) have previously received a baccalaureate degree; or

"(ii) have three years of work experience in health services; and

"(B) are pursuing a course of study in a field the entry of individuals into which is appropriate with respect to meeting the objectives established by the Secretary for the health status of the population of the United States for the year 2000."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 792(c) of the Public Health Service Act (42 U.S.C. 295h-1b(c)) is amended—

(1) by striking "and" after "1990"; and

(2) by inserting before the period the following: "\$3,420,000 for fiscal year 1992; \$5,000,000 for fiscal year 1993; and \$6,000,000 for fiscal year 1994".

SEC. 23. PROJECT GRANTS AND CONTRACTS REGARDING ALLIED HEALTH PERSONNEL.

(a) SPECIAL CONSIDERATIONS IN PROVIDING ASSISTANCE.—Section 796(b) of the Public Health Service Act (42 U.S.C. 295h-5(b)) is amended by adding at the end the following new paragraph:

"(3) In providing grants and contracts under subsection (a), the Secretary shall give special consideration to unique needs regarding the supply of physical therapists, occupational therapists, and clinical laboratory personnel."

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 796(d) of the Public Health Service Act (42 U.S.C. 295h-5(d)) is amended by in-

serting before the period the following: “, \$2,000,000 for fiscal year 1992, \$2,500,000 for fiscal year 1993, and \$3,000,000 for fiscal year 1994”.

SEC. 24. TRAINEESHIPS FOR ADVANCED TRAINING OF ALLIED HEALTH PERSONNEL.

(a) IN GENERAL.—Section 797(a) of the Public Health Service Act (42 U.S.C. 295h-6(a)) is amended—

(1) in paragraph (1), by striking “doctoral programs” and inserting “postgraduate programs”; and

(2) in paragraph (2)—

(A) by striking “doctoral students” and inserting “postgraduate students”; and

(B) by striking “post doctoral students” and inserting “postgraduate students”.

(b) SPECIAL CONSIDERATIONS IN PROVIDING ASSISTANCE.—Section 797 of the Public Health Service Act (42 U.S.C. 295h-6) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following new subsection:

“(c) SPECIAL CONSIDERATIONS IN PROVIDING ASSISTANCE.—In providing grants and contracts under subsection (a), the Secretary shall give special consideration to unique needs regarding the supply of physical therapists, occupational therapists, and clinical laboratory personnel.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 797(d) of the Public Health Service Act, as redesignated by subsection (b)(1) of this section, is amended by inserting before the period the following: “, \$8,000,000 for fiscal year 1992, \$8,000,000 for fiscal year 1993, and \$8,000,000 for fiscal year 1994”.

SEC. 25. HEALTH CARE FOR RURAL AREAS.

(a) MARRIAGE AND FAMILY THERAPISTS.—Section 799A(c) of the Public Health Service Act (42 U.S.C. 295j(c)) is amended by inserting “marriage and family therapy,” after “psychology”.

(b) STUDY.—Section 799A(e) of the Public Health Service Act (42 U.S.C. 295j(e)) is amended—

(1) by striking paragraph (4); and

(2) by striking “(e) STUDY.—” and all that follows through “The Secretary shall evaluate” in paragraph (3) and inserting the following:

“(e) HEALTH CARE TRAINING AND SERVICE DELIVERY MODELS.—The Secretary shall evaluate”.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 799A(h) of the Public Health Service Act (42 U.S.C. 295j(h)) is amended to read as follows:

“(h) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated \$4,390,000 for fiscal year 1992, \$4,500,000 for fiscal year 1993, and \$5,000,000 for fiscal year 1994.”.

(d) TECHNICAL AMENDMENT.—Section 799A(e) of the Public Health Service Act, as amended by subsection (b) of this section, is amended by striking “the Public Health Service Act (42 U.S.C. 254d et seq.)” and inserting “title III”.

SEC. 26. MISCELLANEOUS.

Title VII of the Public Health Service Act (42 U.S.C. 292a et seq.) is amended—

(1) by striking each of sections 751, 759, 787A, 798, and 799(k);

(2) in part C of title VII—

(A) by striking the subpart designation and the heading for each of subparts III and IV; and

(B) by redesignating subparts V and VI as subparts III and IV, respectively; and

(3) in section 791A, by amending the heading for the section to read as follows:

“TRAINEESHIPS IN CERTAIN GRADUATE PROGRAMS”.

SEC. 27. NURSE EDUCATION.

(a) SPECIAL PROJECTS IN GENERAL.—

(1) STRIKING OF CERTAIN AUTHORITIES.—Section 820 of the Public Health Service Act (42 U.S.C. 296k) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1), (2), and (6);

(ii) by redesignating paragraphs (3) through (5) as paragraphs (1) through (3), respectively; and

(iii) in paragraph (2) (as so redesignated), by striking subparagraph (B) and inserting the following:

“(B) for nursing assistants and other paraprofessional nursing personnel to become licensed vocational or practical nurses for nursing facilities (as defined in section 1905 of the Social Security Act);”;

(B) in subsection (a) (as amended by subparagraph (A) of this paragraph), by inserting after paragraph (3) the following new paragraph:

“(4) to provide to nurses significant clinical training in identifying victims of domestic violence and in providing treatment for medical conditions arising from such violence.”;

(C) by striking subsections (b) and (c); and

(D) by redesignating subsections (d) through (g) as subsections (b) through (e), respectively.

(2) SAVINGS PROVISION FOR CURRENT PROJECTS.—In the case of any authority for providing grants or contracts that is terminated by any of the amendments made by paragraph (1), the Secretary of Health and Human Services may, notwithstanding the termination of the authority, continue in effect any grant or contract made under the authority that is in effect on the day before the date of the enactment of this Act, subject to the duration of any such grant or contract not exceeding the period determined by the Secretary in first approving such financial assistance, or in approving the most recent request made (before the date of such enactment) for continuation of such assistance, as the case may be.

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 820(e) of the Public Health Service Act, as redesignated by paragraph (1)(C) of this subsection, is amended—

(A) by striking “(1)” after the subsection designation;

(B) by striking paragraph (2);

(C) by striking “and” after “1990.”; and

(D) by inserting before the period the following: “, \$8,000,000 for fiscal year 1992, \$9,000,000 for fiscal year 1993, and \$10,000,000 for fiscal year 1994”.

(b) ADVANCED NURSE EDUCATION.—

(1) IN GENERAL.—Section 821(a) of the Public Health Service Act (42 U.S.C. 296l(a)) is amended—

(A)(i) in paragraph (1), by inserting “or” after the comma at the end;

(ii) in paragraph (2), by striking “or” after the comma at the end; and

(iii) by striking paragraph (3); and

(B) in the first sentence (as amended by subparagraph (A) of this paragraph), in the matter after and below paragraph (2), by striking “programs” and all that follows through “specialties” and inserting the following: “programs that lead to masters’ or doctoral degrees that prepare nurses to serve in clinical nurse specialties”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 821(b) of the Public Health Service Act (42 U.S.C. 296l(b)) is amended—

(A) by inserting “(1)” after the subsection designation;

(B) in paragraph (1) (as so designated)—

(i) by striking “and” after “1990.”; and

(ii) by inserting before the period the following: “, \$8,000,000 for fiscal year 1992, \$9,000,000 for fiscal year 1993, and \$10,000,000 for fiscal year 1994”; and

(C) by adding at the end the following new paragraph:

“(2) Of the amounts appropriated under paragraph (1), the Secretary may not obligate more than 10 percent for providing grants or contracts under subsection (a) for programs leading to doctoral degrees.”.

(c) NURSE PRACTITIONER AND NURSE MIDWIFE PROGRAMS.—

(1) IN GENERAL.—Section 822 of the Public Health Service Act (42 U.S.C. 296m) is amended—

(A) in subsection (a)(1), in the matter after and below subparagraph (C), by striking “section 332)” and all that follows and inserting “section 332.”;

(B) by striking subsection (b);

(C) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(D) in subsection (b) (as so redesignated), by striking “subsection (a) or (b)” and inserting “subsection (a)”;

(E) in subsection (c) (as so redesignated), by striking “subsections (a) and (b)” and inserting “subsection (a)”.

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 822(c) of the Public Health Service Act, as redesignated by paragraph (1)(C) of this subsection, is amended—

(A) by striking “and” after “1990.”; and

(B) by inserting before the period the following: “, \$17,000,000 for fiscal year 1992, \$19,000,000 for fiscal year 1993, and \$21,000,000 for fiscal year 1994”.

(d) SPECIAL PROJECTS REGARDING DISADVANTAGED INDIVIDUALS.—Section 827(c) of the Public Health Service Act (42 U.S.C. 296r(c)) is amended

(1) by striking “and” after “1990.”; and

(2) by inserting before the period the following: “, \$4,000,000 for fiscal year 1992, \$5,000,000 for fiscal year 1993, and \$6,000,000 for fiscal year 1994”.

(e) TRAINEESHIPS FOR ADVANCED EDUCATION OF PROFESSIONAL NURSES.—

(1) IN GENERAL.—Section 830 of the Public Health Service Act (42 U.S.C. 297) is amended—

(A) by striking subsection (b);

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(C) in subsection (a)(1)(A)—

(i) in clause (i), by adding “or” after the comma at the end;

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii); and

(D) in subsection (a)(2), by striking the period and adding at the end the following: “and which provide significant clinical experience in any of the following: An Indian Health Service health center; a Native Hawaiian health center; a public hospital; a migrant health center; a community health center or other nonprofit community clinic; a nursing facility; a rural health clinic or rural nurse midwifery service or practice; or a health facility located in a health professional shortage area and determined by the Secretary to have a critical shortage of nurses. For purposes of the preceding sentence, the terms ‘migrant health center’, ‘community health center’, ‘nursing facility’, and ‘rural health clinic’ have the meaning given such terms in section 836(h)(6), and the term ‘health professional shortage area’

has the meaning given such term in section 332(a)(1)."

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 830(c) of the Public Health Service Act, as redesignated by paragraph (1)(B) of this subsection, is amended to read as follows:

"(c)(1) For the purpose of carrying out this section, there are authorized to be appropriated \$17,000,000 for fiscal year 1992, \$19,000,000 for fiscal year 1993, and \$21,000,000 for fiscal year 1994.

"(2) Of the amounts appropriated under paragraph (1), the Secretary shall make available not less than 25 for carrying out subsection (b).

"(3) Of the amounts appropriated under paragraph (1), the Secretary may not obligate more than 10 percent for providing traineeships under subsection (a) for individuals in doctoral degree programs."

(f) NURSE ANESTHETISTS.—

(1) IN GENERAL.—Section 831(a) of the Public Health Service Act (42 U.S.C. 297-1(a)) is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph:

"(2) In making grants for traineeships under this subsection, the Secretary shall give special consideration to applications for traineeship programs whose participants gain significant experience in providing health services at rural hospitals or rural clinics."

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 831(c) of the Public Health Service Act (42 U.S.C. 297-1(c)) is amended in the first sentence by inserting before the period the following: ", \$3,000,000 for fiscal year 1992, \$4,000,000 for fiscal year 1993, and \$5,000,000 for fiscal year 1994".

(g) LOAN REPAYMENT PROGRAMS FOR SERVICE IN CERTAIN HEALTH FACILITIES.—Section 837A of the Public Health Service Act (42 U.S.C. 297j(f)) is amended—

(1) by striking "there is" and inserting "there are"; and

(2) by inserting before the period the following: ", \$5,000,000 for fiscal year 1992, \$6,000,000 for fiscal year 1993, and \$7,000,000 for fiscal year 1994".

(h) STUDENT LOANS.—Section 838(a)(3)(B) of the Public Health Service Act (42 U.S.C. 297d(a)(3)(B)) is amended by striking "available to carry out section 843" and inserting "available for making payments under agreements entered into under section 836(h)".

(i) UNDERGRADUATE EDUCATION OF PROFESSIONAL NURSES.—Part B of title VIII of the Public Health Service Act (42 U.S.C. 297 et seq.) is amended—

(1) by striking section 843;

(2) by striking the subpart designation and the heading for subpart III; and

(3) by redesignating subpart IV as subpart III.

(j) GERIATRIC EDUCATION CENTERS.—Section 789(a)(1) of the Public Health Service Act (42 U.S.C. 295g-9(a)(1)) is amended in the matter preceding subparagraph (A) by striking "with accredited health professions schools" and all that follows and inserting the following: "with accredited health professions schools (including schools of nursing and schools of allied health) that are described in paragraph (4) or (10) of section 701 or in section 853(2), and programs described in section 701(8), to assist in meeting the costs of such schools or programs of projects to—"

SEC. 28. STUDY REGARDING SHORTAGE OF CLINICAL LABORATORY TECHNOLOGISTS.

(a) IN GENERAL.—With respect to the shortage of clinical laboratory technologists in the United States, the Secretary of Health and Human Services shall conduct a study for the purpose of—

(1) determining the extent of the shortage;

(2) determining the causes of the shortage; and

(3) developing recommendations on the manner in which the shortage can be alleviated.

(b) CONSIDERATIONS REGARDING RECOMMENDATIONS.—In developing the recommendations required in subsection (a), the Secretary shall—

(1) consider any special or unique factors affecting the supply of clinical laboratory technologists in rural areas or in urban areas; and

(2) consider the effectiveness of any mechanisms that are available for alleviating the shortage of such technologists in rural areas, in urban areas, or both, including competency-based examinations as an alternative route for certification of the competence of individuals to serve as such technologists, and consider the role of entities that provide such certifications.

(c) REPORT.—Not later than October 1, 1992, the Secretary shall complete the study required in subsection (a) and submit to the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Labor and Human Resources of the Senate, a report describing the findings made as a result of the study.

(d) DEFINITION.—For purposes of this section, the term "Secretary" means the Secretary of Health and Human Services.

SEC. 29. ESTABLISHMENT OF NATIONAL ADVISORY COUNCIL FOR MONITORING OF PRIVATE SYSTEM FOR VERIFICATION OF PHYSICIAN CREDENTIALS; PROVISIONS REGARDING INTERNATIONAL MEDICAL GRADUATES.

(a) ADVISORY COUNCIL REGARDING VERIFICATION OF CREDENTIALS OF PHYSICIANS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall establish an advisory council to be known as the Advisory Council on Medical Licensure.

(2) DUTIES.—

(A) The Council shall provide to the Secretary advice regarding the establishment and operation of the system established by the American Medical Association for the purpose of verifying and maintaining information regarding the qualifications of individuals to practice medicine.

(B) In carrying out subparagraph (A), the Council shall—

(i) monitor the operation of the private verification system and develop recommendations regarding the manner in which the operation can be improved, including, as appropriate, making recommendations for the establishment of nondiscriminatory policies and practices for the operation of the system;

(ii) in the case of the medical licensing by 1 State of individuals who previously have been so licensed by another State (commonly known as licensure by endorsement), determine to what extent the system has expedited and otherwise improved the efficiency and equitable operation of the process in the States for such licensing;

(iii) review the policies and practices of the States (including any relevant laws) in licensing international medical graduates and in licensing domestic medical graduates, and determine the effects of the policies; and

(iv) in the case of organizations representing State authorities that license individuals

to practice medicine, consult with such organizations regarding the establishment of nondiscriminatory policies and practices for the process of licensing individuals to so practice (including both the process for initial licensure and the process for licensure by endorsement), and review the efforts of such organizations regarding such policies and practices.

(3) COMPOSITION.—

(A) The Council shall consist of 14 members in accordance with subparagraphs (B) and (C), each of whom shall be a voting member.

(B) The Secretary shall designate 1 official or employee of the Health Resources and Services Administration to serve as a member of the Council. The official or employee so designated shall be a graduate of a medical school located in the United States.

(C) From among individuals who are not officers or employees of the Federal Government, the Secretary shall, subject to subparagraph (D), make appointments to the Council as follows:

(i) 1 individual from an organization representing State authorities that license individuals to practice medicine.

(ii) 1 individual from a national organization representing practicing physicians in the United States.

(iii) 1 individual representing the private verification system.

(iv) 1 individual representing medical schools in the United States.

(v) 1 individual from an organization in the United States that tests international medical graduates with respect to medical knowledge.

(vi) 1 individual from an organization in the United States that, with respect to medical knowledge, tests individuals who are graduates of medical schools located in the United States.

(vii) 1 individual who is a native of the United States and who graduated from a medical school located in the United States.

(viii) 1 international medical graduate from a coalition representing international medical graduates.

(ix) 1 international medical graduate who is a native of a country located in southern or eastern Asia (including southern or eastern Asian islands), and who attended a medical school located in such a country.

(x) 1 international medical graduate who is a native of a European country, of Australia, or of New Zealand, and who attended a medical school located in one of such countries.

(xi) 1 international medical graduate who is a native of a country located in a subsaharan African country and who attended a medical school located in such a country.

(xii) 1 international medical graduate who is a native of a country located in a Latin American or Caribbean country and who attended a medical school located in such a country.

(xiii) 1 international medical graduate who is a native of the United States.

(D) The Secretary may make the appointments described in clauses (viii) through (xiii) of subparagraph (C) only after consultation with organizations and coalitions representing international medical graduates.

(4) ANNUAL REPORT.—Subject to subsection (b)(3), the Council shall annually submit to the Secretary and the Congress a report describing the findings and recommendations of the Council pursuant to the duties established in paragraph (2). The Secretary shall provide a copy of each such report to the private verification system.

(b) REPORTS TO CONGRESS REGARDING ESTABLISHMENT OF NATIONAL VERIFICATION SERVICE.—

(1) FUNCTIONING OF PRIVATE SYSTEM.—During fiscal year 1996, the Secretary, in consultation with the Council, shall make a determination of whether the private verification system is operating with a reasonable degree of efficiency and whether the policies and practices of the system are nondiscriminatory. Not later than December 31, 1996, the Secretary shall submit to the Congress a report describing the findings made through the determination.

(2) PLAN FOR NATIONAL SYSTEM.—If through the determination required in paragraph (1) the Secretary finds that the private verification system fails to meet either of the criteria with respect to which the determination is made, the Secretary, in consultation with the Council and with relevant organizations, shall develop a plan for the establishment of a national system for the purpose described in subsection (a)(2)(A). Not later than December 31, 1997, the Secretary shall submit the plan to the Congress.

(3) TERMINATION OF ADVISORY COUNCIL.—If through the determination required in paragraph (1) the Secretary finds that the private verification system meets both of the criteria with respect to which the determination is made, the Council shall terminate upon the expiration of the 30-day period beginning on the date on which the report required in such paragraph is submitted to the Congress. The Council shall otherwise terminate upon the expiration of the 30-day period beginning on the date on which the plan required in paragraph (2) is submitted to the Congress.

(c) REPORTS ON LICENSURE OF INTERNATIONAL MEDICAL GRADUATES.—

(1) IN GENERAL.—With respect to the licensure by the States of individuals to practice medicine, the Secretary, in consultation with the Council, shall annually conduct a study of not less than 10 States for the purpose of determining—

(A) the average length of time required for the States involved to process the licensure applications of domestic medical graduates and the average length of time required for the States to process the licensure applications of international medical graduates, and the reasons underlying any significant differences in such times; and

(B) the percentage of licensure applications from domestic medical graduates that are approved and the percentage of licensure applications from international medical graduates schools that are approved, and the reasons underlying any significant differences in such percentages.

(2) REPORT.—The Secretary each fiscal year shall submit to the Congress a report describing the findings made as a result of the study required in paragraph (1) for the fiscal year.

(d) ADMISSION OF INTERNATIONAL MEDICAL GRADUATES TO RESIDENCY PROGRAMS.—It is the sense of the House of Representatives that any entity which operates a residency program for graduates of medical schools and which accepts applications by individuals for admission to the residency program should not refuse to consider such applications solely on the basis that the applications are from individuals who are international medical graduates.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "Council" means the Advisory Council on Medical Licensure established in subsection (a)(1).

(2) The term "domestic medical graduate" means an individual who is a graduate of a

medical school located in the United States or Canada.

(3) The term "international medical graduate" means an individual who is a graduate of an international medical school.

(4) The term "initial licensure" means the medical licensing of individuals who have not previously been so licensed by any State.

(5) The term "international medical school" means a medical school located in a country other than the United States or Canada.

(6) The term "licensing by endorsement" means the medical licensing by 1 State of individuals who previously have been so licensed by another State.

(7) The term "medical school" means a school of medicine or a school of osteopathic medicine, as such terms are defined in section 701(4) of the Public Health Service Act.

(8) The term "nondiscriminatory", with respect to policies and practices, means that the policies and practices do not discriminate on the basis that an individual is an international medical graduate and that the policies and practices do not constitute discrimination in violation of applicable law.

(9) The term "private verification system" means the system described in subsection (a)(2)(A) and established by the American Medical Association.

(10) The term "Secretary" means the Secretary of Health and Human Services.

(11) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous materials, on H.R. 3508.

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

There was no objection.

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

Mr. Speaker, I am pleased to present to the House H.R. 3508, the Health Professions Education Amendments of 1991.

This bill, which was passed out of committee with bipartisan support, amends and extends the programs of education of health professionals and nurses in titles VII and VIII of the Public Health Service Act.

I want to single out the extraordinary contributions of the gentleman from New Mexico [Mr. RICHARDSON], who has championed the concerns of the nursing profession. His legislative input is reflected throughout this legislation.

I would also like to recognize the contributions of the gentleman from

Kansas [Mr. SLATTERY]. He has been active in addressing the needs of rural and underserved areas, especially with respect to shortages of clinical laboratory personnel, and his input has been most helpful in drafting this legislation.

Title VII of the Public Health Service Act provides support for health professions education. Support for students comes in the forms of loans, loan guarantees, and scholarships. Institutional support is provided through grants and contracts. Title VIII of the Public Health Service Act authorizes assistance for nursing education through direct assistance to students and institutional support for schools.

H.R. 3508 reflects a critical reassessment of the purpose and funding of these two programs. For many years, the authorization levels in titles VII and VIII have greatly exceeded actual appropriations. Any funding priorities that the authorization levels may have conveyed have been lost in the gap between authorization amounts and actual appropriations.

This reauthorization reflects a stronger emphasis on training in primary care delivery, especially that which takes place in underserved areas. Increases in authorization levels are targeted at programs that support training in, first, primary care medicine; second mid-level professions such as physician assistants, nurse practitioners, and nurse midwives; and third, those allied health professions experiencing critical shortages.

The legislation establishes several new authorities, including a residency program in emergency medicine, a geriatric training program in optometry, and a grant authority for health professions research. It also authorizes a study of the shortage of clinical lab technologists and establishes a council to address licensing issues affecting graduates of foreign medical schools.

The bill amends the Area Health Education Centers and Border Health Centers Programs to make changes in program requirements and put in place requirements for State financial participation. The bill establishes an additional funding authority for making grants to existing AHEC programs. Eligibility for Federal assistance is contingent upon AHEC's obtaining State financial contributions. In addition, AHEC's participating in this new program are authorized to provide limited support of demonstration project to expand their ability to train health professionals in underserved areas.

The legislation also clarifies the program requirements for both the existing AHEC Program and for new State-supported AHEC's, particularly with regard to the provision of training for health professions students in community-based primary care settings. It requires additional State financial matching participation in the 5th and

6th years of funding for individual centers. It changes the allocation for special projects in the current AHEC program from a maximum of 10 to 20 percent of the funds allocated for the existing AHEC program. It also clarifies that the amount of time that an AHEC center may receive payments under contract may not exceed 6 years, and that the total time that any AHEC project receives funding may not exceed 12 years.

The legislation also amends the Health Education and Training Center [HETC] program to permit the participation of a school of public health located in the service area of the HETC if the school makes such a request.

At the urging of the administration and the House Appropriations Committee, the committee has proposed steps to reduce default rates in the HEAL loan program and improve the solvency of the student loan insurance fund. The bill would allow the Secretary of the Department of Health and Human Services to extend the current grace period before loan repayment begins to a total of 21 months. It would allow the Secretary to raise the ceiling on the insurance premium charged borrowers from 8 percent to 13 percent. The bill would also authorize the Secretary to charge insurance premiums based on the default history of each health profession, and establish a single limit on default rates that would apply equally to all health professions.

The legislation repeals programs that have not received funding in more than 2 years or have not achieved original expectations, including grants for 2-year medical programs, and four unfunded loan and scholarship authorities. The legislation also consolidates programs in family medicine and health administration with programs that are similar in purpose.

Mr. Speaker, I urge support for the legislation and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of H.R. 3508, legislation to revise authorities for health progressions programs.

The health professions programs, through titles VII and VIII of the Public Health Service Act provide financial assistance to health professions students and schools. These programs enable some students to pursue health careers who otherwise would be unable to do so. Title VII of the Public Health Service [PHS] Act addresses the problems of inadequate physician supply and geographic and specialty distribution through, first, grants and contracts for special training programs in health professions schools and second, student financial aid. The program also targets funding for public health and administration, preventive medicine, primary care, geriatric care, AIDS initiatives, health education centers and

assistance to disadvantaged individuals seeking health-care careers. Title VIII authorizes: First, institutional assistance to nursing schools; second, grants to nursing students; third, nursing student loans; and fourth, assistance for undergraduate nursing students. The focus of the program is on advanced nurse training.

H.R. 3508 represents an effort by the committee to revamp these programs and to establish priorities in light of existing budgetary restraints. Specifically, an effort has been made to emphasize training in primary care, particularly in underserved areas, and to encourage the training of allied health professionals.

In addition, H.R. 3508 substantially reforms the Health Education Assistance Loan Program in order to address the program's growing default rates. These reforms substantially reflect the suggestions of the Office of Management and Budget. Without these reforms, it has been estimated that 20 percent of each annual lending cohort would have eventually entered default and would have had to be financed by the Treasury.

I would also like to commend my colleagues on the Energy and Commerce Committee for their common sense and reasonableness in this reauthorization process. H.R. 3508 eliminates some programs which either have not received appropriations or are duplicative. And it reduces the reauthorization levels to reasonable amounts. The administration has no objection to passage of this bill.

I urge my colleagues to support this legislation.

□ 1440

Mr. WAXMAN. Mr. Speaker, in addressing these issues of manpower, the gentleman from Kansas [Mr. SLATTERY] has made an enormous contribution, not only emphasizing the need for rural areas for health care practitioners, but, in this particular bill, urging the clinical lab personnel be recognized as important in the delivery of health care services, and that there is an enormous shortage of personnel to do this work in the clinical labs in these rural areas.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. SLATTERY] and thank him for his enormous contribution.

Mr. SLATTERY. Mr. Speaker, I thank the gentleman from California [Mr. WAXMAN], chairman of the subcommittee, for his kind comments and also for his leadership in dealing with these very important issues. I also deeply appreciate the work that he and his staff have done in bringing this legislation to the floor today. They have worked diligently on this bill and it contains some very important authorizations for many health education programs.

As a member of the House Rural Health Care Coalition, I am pleased and encouraged that many of these programs will encourage health professionals to serve in rural and underserved areas.

I support increased funding for allied health professionals in the title VII reauthorization.

Allied health personnel constitute more than 64 percent of the health care work force, excluding nurses, yet, there has been a glaring lack of Federal support for allied health education.

We must not continue to ignore the importance of many health care professionals who are not doctors and are not nurses, yet, play a crucial role in the health care network.

Allied health personnel are those individuals who do not have high visibility at the hospital but who are there every day making sure our health care services are complete. They are the ones who run our blood tests, take our x rays, and help in our rehabilitation.

We should also focus on the substantial shortage of clinical laboratory personnel, especially in light of the fact that the Clinical Laboratory Improvement Amendments of 1988, which have been called CLIA, will be implemented in the near future.

The proposed CLIA 1988 regulations have highlighted the need for qualified laboratory personnel. I am concerned, however, that a rural hospital will be unable to fully staff its laboratory and in turn, seriously threaten access to quality laboratory testing services in rural and underserved areas across the country.

I am pleased that included in this title VII reauthorization are provisions which reflect the intent of H.R. 2405, a bill which I introduced earlier this year to address the clinical laboratory personnel shortage issue.

The title VII language designates a \$10 million authorization for allied health professions with priority and special consideration to be given to clinical laboratory personnel education programs.

In addition, the bill provides for a study regarding the shortage of clinical laboratory personnel which requires the Secretary of Health and Human Services to consider any special or unique factors affecting the supply of personnel in rural or underserved areas and issue recommendations.

The title VII language also requires the Secretary to consider the effectiveness of mechanisms which may be available to address shortages in rural or underserved areas including the use of a competency based examination as an alternative route of certification and the establishment of criteria for recognition of agencies which certify competency of clinical laboratory personnel.

The Secretary must report his recommendations and findings to Congress by October 1, 1992.

I believe these provisions will be very helpful as we attempt to deal with personnel shortage issues in rural areas and in all other underserved areas in this country.

Again, I thank the gentleman from California [Mr. WAXMAN] and also the gentleman from Illinois [Mr. BRUCE] for working with a number of us in the rural health care coalition in bringing this matter to the attention of the Congress. I appreciate their leadership and the leadership and dedicated work of the staff of the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I am pleased at this time to yield time to a very important member of the Committee on Energy and Commerce, the gentleman from Tennessee [Mr. COOPER]. I do want to point out in yielding to him that he has emphasized in his approach to these questions that we need more primary care, more family medicine practitioners, and there is a provision in this bill to urge medical schools to set up family practice medicine departments. This is an important contribution in this legislation, among others that the gentleman from Tennessee [Mr. COOPER] has been able to accomplish and I want to praise him for his fine work.

Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. COOPER].

Mr. COOPER. Mr. Speaker, I thank the gentleman for yielding time to me. I certainly thank the chairman of the subcommittee for his kind words. It is his outstanding leadership on these and other health care issues that has enabled our Nation to make such great progress.

Mr. Speaker, I rise in strong support of the Health Professions Education Amendments of 1991.

This bill reauthorizes Public Health Service programs which support the training of urgently needed health care providers. There are nearly 2,000 medical shortage areas in the country, with more than 33 million people. Almost 70 percent of those shortage areas are rural.

Mr. Speaker, both rural America and inner-city America are facing a severe shortage of family physicians and other primary care providers. More than half our family physicians, for example, are older than 55 and will soon be retiring, making the problem even worse. Among developed nations, the United States has the lowest ratio of primary care physicians to specialists.

I am especially pleased with provisions in the bill, based on my own legislation, H.R. 2231, which would target the scarce Public Health Service funds to the most deserving programs.

Under the new system, medical schools and other training programs would get priority for the grants if they have a strong track record of graduates practicing in underserved

areas. Innovative programs to train medical professionals to serve in underserved areas would also be targeted for funding.

This bill gives priority to medical schools which have departments of family medicine and which have training programs in family medicine. The presence of a department of family medicine provides role models in primary care, and schools with those departments tend to have larger percentages of students entering family medicine.

Finally, this bill targets for funding resident training programs which send their students into underserved areas, and which focus on cost-effective ambulatory training, outside of the conventional hospital setting.

I commend the chairman of the subcommittee, Mr. WAXMAN, for including these important provisions in the Health Professions Education Amendments of 1991. This legislation will focus our scarce funds on the most deserving programs, and along with last year's National Health Service Corps Revitalization, will help us make real progress in reducing the shortage of primary care physicians.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 3508, the Health Professions Education Amendments of 1991 reauthorizing the health professions titles of the Public Health Service Act. I am particularly pleased at the inclusion of legislation I sponsored—the Nursing Education Amendments of 1991—in H.R. 3508.

We are currently in the midst of a serious and sustained nursing shortage which is only rivaled by the nursing shortage of the 1950's. Reports on the nursing profession by the American Nurses Association indicate that one of every eight registered nurse positions in hospitals goes unfilled. The scenario is even worse in nursing homes where one in every five RN positions goes unfilled.

Who is hurt most by the ongoing nursing shortage? Precisely those who can least afford it—the medically underserved populations residing in frontier, rural, and inner-city areas of our Nation. Right now, over 1,300 rural areas alone have been designated as medically underserved. To meet the demand for health care in just these areas would require 4,224 physicians.

Physicians however, continue to have a difficult time maintaining viable practices in shortage areas. This, combined with the aging of the existing rural physician population necessitates that we look elsewhere to meet the needs of rural and urban underserved populations.

Nurses have always responded to the needs and concerns of our poorest citizens and I believe we must again turn to the nursing profession to respond to the Nation's rural and inner-city health care crisis. My legislation focuses our limited health care resources on training and educating those nursing professionals—clinical nurse specialists, nurse practitioners, nurse midwives, and nurse anesthetists—best equipped to meet the health care needs of underserved areas and would in-

crease funding for these programs by nearly \$10 million over 3 years.

I believe our money will be well spent. The advanced training of nurse specialists and nurse practitioners allows them to provide up to 80 percent of adult primary care services and up to 90 percent of the pediatric primary care services usually performed by a physician.

Nurse midwives have traditionally and continue to direct their services toward women most at-risk for developing health care problems because of inadequate access to child bearing and health care services.

Mr. SMITH of Florida. Mr. Speaker, today I rise in support of H.R. 3508 the Health Professions Reauthorization Act. This important legislation will reauthorize the area health education center program for 10 years. Area health education centers serve as a bridge between medical school and disadvantaged communities, recruiting and training primary care providers and health professionals, and providing continuing education programs for existing health providers.

In my home State of Florida, I have witnessed tremendous and beneficial growth of area health education centers over the past 6 years. Florida's AHEC Program began in 1985 with a grant from the Department of Health and Human Services. Now, area health education centers proudly serve 45 Florida counties around the State.

In the past year alone, over 800 medical student and resident rotations and nearly 600 nursing rotations in Florida's most rural as well as inner-city areas have accounted for over 180,000 hours of training in underserved areas. Most of these rotations have been into community and migrant health centers, county public health units, community hospitals, and other indigent care settings, serving many of our State's most needy populations.

The area health education centers program works. With the help of the increased authorization, the AHEC Program will continue to link university health science centers with medically underserved communities in order to improve access to health care services. I commend the efforts of Representative STENHOLM and Chairman WAXMAN for their commitment and dedication to this meaningful issue.

Mr. ROYBAL. Mr. Speaker, I rise in support of H.R. 3508, the health professions training reauthorization bill. These training programs are just one facet of the Public Health Service Act, which provides vast opportunities and financial assistance for minorities and disadvantaged students who chose to study in the area of health care. The health professions act supports and promotes equity in access of health service and health careers for minorities and disadvantaged students by increasing the number of these students who become health or allied health professionals. As a member of the Labor, Health and Human Services and Education Appropriations Subcommittee, I have had the opportunity to become familiar with several of the programs being reauthorized by this bill through advocating for increased appropriations for these important programs.

One particularly wide reaching program, the area health education centers [AHEC's] is intended to attract and retain primary care pro-

professionals in underserved areas. Other programs within H.R. 3508, such as the public health special projects and traineeships, the disadvantaged minority health improvement program, and the nurse disadvantaged assistance programs, provide funding for both individual students from minority backgrounds, and schools which award scholarships to financially needy students.

I am pleased to see an increase in the authorization level for dental school AIDS reimbursement program. This program reimburses dental schools which provide much needed oral health care to AIDS and HIV positive patients. Oral health care services are not readily available through the community health centers, or through outreach programs, and can facilitate the early diagnosis of AIDS.

These programs, along with others authorized under the health professions training reauthorization, train minority and disadvantaged students to address a variety of health care concerns within needy communities. The reauthorization of the health professions training act will allow a greater number of disadvantaged communities to benefit from existing and expanded services. With such a critical shortage of qualified professional care givers in many areas, training programs aimed at minority students are essential in meeting the increased demands within the health care system.

I urge my colleagues to support this important piece of legislation to insure that these programs will continue to train and provide services to disadvantaged students and communities across our Nation.

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

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from California [Mr. WAXMAN] that the House suspend the rules and pass the bill, H.R. 3508, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO FILE REPORT ON H.R. 3595, MEDICAID MORATORIUM AMENDMENTS OF 1991

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce may have until midnight tonight, Tuesday, November 12, 1991, to file its report on H.R. 3595, the Medicaid Moratorium Amendments of 1991.

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

There was no objection.

OBSERVING THE 100TH ANNIVERSARY OF MOVIE MAKING

Mr. SAWYER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 161) expressing the sense of the Congress that the American public should observe the 100th anniversary of movie-making and recognize the contributions of the American Film Institute in advocating and preserving the art of film, as amended.

The Clerk read as follows:

H. CON. RES. 161

Concurrent resolution expressing the sense of the Congress that the American public should observe the 100th anniversary of moviemaking and recognize the contributions of the American Film Institute in advocating and preserving the art of film

Whereas in the late 19th century inventors around the world focused on discovering a means of artificially reproducing movement so that it appeared to viewers that they were actually seeing the movement as it occurred;

Whereas this discovery led to the emergence of the art and science of motion pictures through the work of many creators in the United States and other countries;

Whereas during this period the technology necessary to create motion pictures was perfected in a series of exciting American inventions, such included the development of the kinetograph and kinetoscope by Thomas Edison and W.K.L. Dickson, and the perfection of strip film by George Eastman;

Whereas the cycle of invention, innovation and improvement continued without pause during the 1890's with the construction of Thomas Edison's first film studio, dubbed the "Black Maria", and in 1893 a series of technological innovations marked a turning point in the development of the motion picture;

Whereas the first commercial presentation of Edison's kinetoscope by the Holland Brothers in New York City demonstrated the public's fascination with motion pictures, and as the demand for kinetoscope films grew, Edison's invention was marked internationally;

Whereas motion pictures have the power to touch our hearts, souls, and imaginations, and shape our hopes, dreams, and even our national consciousness;

Whereas the motion picture serves as America's ambassador to the world, conveying American values, beliefs, styles, and attitudes, transforming world culture with its potent images and making the global village a reality;

Whereas motion picture production is not only art but also one of America's most successful creative enterprises; and

Whereas the motion picture has entrenched our cultural heritage with unforgettable characters who have become American icons, from Harold Lloyd, Charlie Chaplin, and the Marx Brothers to the immortal Garbo and the eternal Lillian Gish, from Bogie and Bacall, John Wayne, Sidney Poitier and Cicely Tyson to Indiana Jones, E.T., and the thousands of other larger-than-life men and women who commanded the silver screen, and from these legends are precious film moments that are forever etched in our memories and imaginations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) all Americans should have the opportunity to celebrate the 100th anniversary of film in 1993 with exhibitions, festivals, educational programs and other forms of observance; and

(2) the Nation's media art centers should be recognized as having a leadership role in implementing and coordinating national centennial celebrations and in organizing other events relating to the 100th anniversary of this great American art form.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. SAWYER] will be recognized for 20 minutes, and the gentleman from Missouri [Mr. COLEMAN] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. SAWYER].

□ 1450

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

Mr. Speaker, during this decade, the art of moviemaking will celebrate its 100th anniversary. On this landmark occasion, I am pleased to bring before the House today a resolution to honor America's indigenous art form.

Motion pictures came upon the world with an impact that has been felt in nearly every corner of the world. In a mere 100 years, the art of the motion picture has shaped everything from our language and customs to our hopes and dreams. Imagining a time without the motion picture is difficult. And the development of the motion picture without America's invaluable contribution, both artistically and technically, is unimaginable.

Film is widely acknowledged as the art form of the 20th century. Its combining of art, craft, and technology is the perfect reflection of this century's experience. Our individual and collective film experiences shape our language, create legends and heroes, frame our cultural context, and can both interpret and alter reality. For many people, film provides historical and nostalgic landmarks in life.

From the beginning, America has played a central role in the development of the motion picture. Movie-making is a collaborative process, and the history of the motion picture is one marked by the collaboration of American creators, inventors, and visionaries, from Thomas Edison to George Eastman—individuals whose ingenuity and determination paved the way for the development of the art and science of the motion picture.

The motion picture is an integral part of American culture, creating larger than life images that have become part of our national consciousness. What would the world have been like without George Bailey, Rhett, and Scarlett, or the scarecrow, tin man, and the cowardly lion? As cultural indicators, motion pictures convey America's character, humor, customs, and ideas, giving international audiences of all ages a sense of our national dreams and fears.

This resolution recognizes the power of this truly American art form and calls for a national celebration of the motion picture centennial through exhibitions, festivals, educational programs, and other activities. This resolution recognizes our national and regional film centers whose activities provide education and appreciation about the richness and vitality of our American film heritage, ensuring that these gifts will be preserved forever for future generations, in this country and abroad.

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

Mr. COLEMAN of Missouri. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 1993 moviemaking will celebrate its 100th anniversary. I rise in support of House Concurrent Resolution 161, a resolution commemorating this occasion.

In 1993, we will celebrate the 100th anniversary of the invention of the art that has reported on our encounters with reality, developed a new language of images, projected our hopes and visions, and nurtured our dreams.

The first copyrighted film was only a few seconds long. In 1884, Thomas Edison filmed a sneeze. We can still see that soundless image almost 100 years later. The sneezer is dead but the sneeze remains a testimony to film's capacity to be our witness.

When Edwin S. Porter filmed "The Great Train Robbery" in 1903, he began the history of fiction film, which matured into such masterpieces as "Citizen Kane" and "Gone With the Wind." With Al Jolson in "The Jazz Singer" in 1927, sound was added to sight. When Walt Disney produced the first animated film, "Trees and Flowers," in 1932, we got our first technicolor film and a whole generation stopped dreaming in black and white.

From D.W. Griffith and Charlie Chaplin to Orson Welles and Martin Scorsese, we have produced the great tellers of storytellers in moving pictures. No art has become such an intimate presence, so reflects our social life and habits or so brokers our hopes and dreams.

We honor and preserve 100 years of film so that our children's children may know how we dressed, how we lived, what we thought and felt and why we laughed and wept. We hope that when a future generation celebrates the 200th anniversary of film in this Chamber, that the next 100 years will be as rich.

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

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

The SPEAKER pro tempore (Mr. McNULTY). The question is on the motion offered by the gentleman from Ohio [Mr. SAWYER] that the House sus-

pend the rules and agree to the concurrent resolution, House Concurrent Resolution 161, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing the sense of the Congress that the American public should observe the 100th anniversary of moviemaking."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

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

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1992

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it shall be in order to consider in the House the joint resolution (H.J. Res. 374) making further continuing appropriations for fiscal year 1992; that the joint resolution be debatable for not to exceed 1 hour, to be equally divided and controlled by myself and the gentleman from Pennsylvania [Mr. MCDADDE]; that all points of order against the joint resolution and against its consideration be waived; and that the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion, except one motion to recommit.

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

There was no objection.

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House just agreed to, I call up the joint resolution (H.J. Res. 374) making further continuing appropriations for the fiscal year 1992, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 374 is as follows:

H.J. RES. 374

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 102-145 is amended by striking out "November 14, 1991" and inserting in lieu thereof "November 26, 1991."

The SPEAKER pro tempore. Pursuant to the order of the House of today, the gentleman from Mississippi [Mr.

WHITTEN] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADDE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the consideration of House Joint Resolution 374, and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, this resolution is for the further continuation of appropriations for programs in two bills—Defense; and Labor, Health and Human Services, and Education—until November 26, 1991, under fiscal year 1991 terms and conditions and at the House, Senate, or current rate, whichever is lower.

I expect these bills to be presented to the President in signable form before an expected adjournment date of November 22. Extending the expiration date to the 26th provides the President 2 to 3 days for review after receiving the bills. Last year, the final continuing resolution gave the President 5 days for such a review.

This expiration date is acceptable to the House leadership, the Senate, and OMB.

I know of no opposition to continued funding for the Department of Defense and the Departments of Labor, Health and Human Services, and Education bills under these circumstances.

I urge adoption of the resolution and I reserve the balance of my time.

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

Mr. Speaker, I rise in support of this joint resolution. It is my privilege after 29 years in this body to offer a joint resolution that is one page, one line long. That is what this is. It extends the continuing resolution from November 14 to November 16, in order that we can accommodate the Labor-HHS bill and the DOD bill which is now in conference.

I know of no objection to it. We have a statement of support from the administration and I urge its adoption.

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

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

The SPEAKER pro tempore. Pursuant to the order of the House of today, the previous question is ordered.

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

□ 1500

AROOSTOOK BAND OF MICMACS SETTLEMENT ACT

Mr. GORDON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 269 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 269

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rules XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 932) to settle all claims of the Aroostook Band of Micmacs resulting from the Band's omission from Maine Indian Claims Settlement Act of 1980, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Interior and Insular Affairs Committee, the bill shall be considered for amendment under the five-minute rule, and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After passage of H.R. 932, it shall be in order to take from the Speaker's table the bill S. 374 and consider said bill in the House. It shall then be in order to move to strike out all after the enacting clause of said Senate bill and to insert in lieu thereof the provisions of H.R. 932 as passed by the House.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Tennessee [Mr. GORDON] is recognized for 1 hour.

Mr. GORDON. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only. I yield the customary 30 minutes, for the purpose of debate only, to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 269 is an open rule providing for the consideration of H.R. 932, the Aroostook Band of Micmac Indians Settlement Act.

The rule provides 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Interior and Insular Affairs Committee. The rule also provides one motion to recommit.

Finally, the rule makes it in order, after passage of H.R. 932, to take S. 374 from the Speaker's table and consider it in the House. The rule makes in order a motion to strike all after the enacting clause in the Senate bill and insert the text of the House-passed bill.

Mr. Speaker, the Micmac Indians reside in the State of Maine. The Maine Indians Claims Settlement Act of 1980 was intended to settle the claims of all

Maine Indian tribes for the taking of their land by the Federal Government.

The Aroostook Band of Micmacs is recognized by the State of Maine as one of four Indian tribes within the State's boundaries, but the tribe did not receive Federal recognition under the 1980 act. At the time of the Maine Indians Claims Settlement Act of 1980, conventional history described the Micmacs as a Canadian tribe with no aboriginal occupancy in the United States.

In the past decade, research efforts have uncovered documentation that there was a presence of the Micmac Indians in Maine dating back to the 16th century.

H.R. 932 grants the Micmac Indians Federal recognition as an Indian tribe and would recompensate them for the taking of their tribal lands in the State of Maine.

House Resolution 269 is an open rule and I encourage my colleagues to adopt the resolution.

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

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

Mr. Speaker, the gentleman from Tennessee [Mr. GORDON] has ably described this rule. It is an open rule, and I support it.

This bill extends Federal recognition to the Micmac Indians and makes them eligible for all benefits of a federally recognized tribe. It also allows this tribe to organize as a government and establishes rules for determining membership in the tribe.

Mr. Speaker, in order to compensate the Micmac for the taking of tribal lands in Maine, H.R. 932 authorizes \$900,000 to be appropriated in fiscal year 1992 and deposited into a land acquisition fund in the U.S. Treasury which the Secretary of the Interior is authorized to use in purchasing land for the tribe.

I would like to note, Mr. Speaker, that the administration strongly opposes this bill. The Secretary of the Interior would recommend a veto if the bill is presented to the President because it would statutorily acknowledge the Micmac Indians as an Indian tribe.

The statement of administration policy points out that in 1978 the Department of the Interior established in regulation a Federal acknowledgment process to ensure that all petitions for acknowledgement as an Indian tribe would be evaluated in an objective and uniform manner. The administration believes H.R. 932 circumvents this process and may erroneously acknowledge a group as an Indian tribe, thereby entitling the group to numerous Federal programs and benefits afforded only federally recognized tribes.

The administration also states that recognition through legislation would be unfair to all other groups seeking Federal acknowledgment and would

undermine the administrative process that was designed to eliminate the need for ad hoc determinations through legislation.

Mr. Speaker, the concerns of the administration and Members with this bill can be addressed under this open rule. I support the rule, and I urge its adoption.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 269 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the Senate of the Union for the consideration of the bill, H.R. 932.

The Chair designates the gentleman from West Virginia [Mr. WISE] as Chairman of the Committee of the Whole and requests the gentleman from Illinois [Mr. RUSSO] to assume the Chair temporarily.

□ 1509

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 932) to settle all claims of the Aroostook Band of Micmacs resulting from the band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes, with Mr. RUSSO (Chairman pro tempore).

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 30 minutes, and the gentleman from Arizona [Mr. RHODES] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

□ 1510

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to present to the House H.R. 932, the Aroostook Band of Micmacs Settlement Act. It is the final step in settling the claims of Indian tribes in the State of Maine.

The purpose of the bill is to settle all claims of the Aroostook Band of Micmac Indians resulting from the band's commission from the Maine Indian Settlement Act of 1980. The 1980 act resolved the claims of the Passamaquoddy and Penobscot Tribes and Houlton Band of Maliseet Indians.

Because of several factors, and especially because they had no legal counsel to represent their claims in 1980, the Micmac were not included in the Settlement Act in spite of the fact that they have lived in Maine for centuries. A tribe similar to the Micmac in many ways, the Houlton Band of Maliseet, reside in Maine near the Micmac and presented a claim prior to the 1980 act; consequently, the Maliseet were included in the Settlement Act and were granted Federal recognition.

In the past 10 years, the Aroostook Band of Micmac, with the assistance of several experts, have done extensive anthropological and historical research. They presented overwhelming evidence to the Interior Committee that they, too, has aboriginal lands in Maine which were taken and for which the Micmac were never compensated.

H.R. 932 extends to the Aroostook Band of Micmac Indians the same compensation, rights, and benefits as were provided to the Houlton Band of Maliseet Indians. It authorizes the appropriation of \$900,000 in settlement funds to be used for land acquisition or economic development purposes, and authorizes the Aroostook Band to organize on the same basis as the Houlton Band of Maliseet.

The entire Masine delegation supports this legislation. Also, the Maine State Legislature, the State attorney general, the local surrounding communities, and the three recognized tribes in Maine support the measure.

However, again we have a faction saying that this tribe should go through the administrative recognition process. The Committee disagrees with that and we hope that the House will follow our lead in understanding why.

Mr. Chairman, the Federal acknowledgement process of the Bureau of Indian Affairs is an abomination. There are currently 126 groups with petitions waiting at the BIA. In 12 years, only eight groups have successfully made it through this process. The Interior and Insular Affairs Committee knows from the hearings we have held that the process does not work. In fact, my colleague, the gentleman from Arizona [Mr. RHODES] has introduced a bill that tries to improve the process. The BIA knows the process does not work. On September 18, they published new regulations in their attempt to improve the process.

We all know this process does not work. So what alternatives do tribes have? We are the only alternative. When the Congress makes a determination that a group is an Indian tribe, Congress clearly has the authority and the responsibility to grant Federal recognition.

The BIA seems to have made a sincere, if feeble, effort to improve their regulations. But the flaws in the system run so deep that this attempt is too little, too late. The basic flaw is a

clear preference to not recognize any new tribes. It has been said that many existing recognized groups could not survive the Federal acknowledgement process.

The gentleman from Arizona [Mr. RHODES] has also made a sincere attempt to recognize petitioning groups within a 6-year period. We will explore this proposal in the committee.

But the point is this tribe deserves recognition today, and we have the power to grant their request. I hope that my colleagues will support this legislation.

Mr. RHODES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is with reluctance that I rise in opposition to this bill, reluctance basically because of the amount of time and work that my friend and colleague, the gentlewoman from Maine [Ms. SNOWE], has put in on this bill and also because of the time and effort that the chairman of the full committee, the gentleman from California [Mr. MILLER], has devoted to this matter. I recognize that their concerns are real, but I have concerns as well about the process that we are undertaking and that we have undertaken already once previously this year in regard to legislatively recognizing Indian tribes.

As the chairman has pointed out, there is an administrative process in place in the Department of the Interior for the purpose of determining whether or not a particular group of people should be recognized as an Indian tribe.

I must take reluctant issue with some of the statistics that were quoted by the committee chairman, the gentleman from California [Mr. MILLER]. The fact of the matter is that there are 126 groups that at some time or other over the past 13 years have petitioned the Bureau of Indian Affairs for recognition; however, there are not 126 completed applications before the Bureau in the Department of the Interior. In fact, there are only three that are completed and that are undergoing active consideration at this time.

Congress has increased the resources available to the organization and the Bureau for the purpose of expediting recognition applications. It is true there are problems, and I believe it is true there needs to be some fixing done. That is why I introduced the legislation that the gentleman from California [Mr. MILLER] referred to, and I would certainly hope that we can proceed to not only legislative oversight but hold hearings on this process.

But in the meantime, the process does exist. In the meantime, there are groups that have over the course of the past 13 years brought their applications to the Bureau of Indian Affairs, gone through the process, had a determination made.

Is it fair to them for us now to begin to legislatively resolve these issues as to what is a tribe?

Is it fair to those who are in the process now for us to proceed legislatively to make these determinations?

It is fair to us as Members of Congress to be asked to make determinations which are by their very nature difficult, technical, and very important, not only to those who are bringing the application but to the rest of us, because this determination, if made, creates a permanent nation-to-nation sovereign-to-sovereign relationship between the United States and the applying band or tribe of Indians.

Who among us, who among the 435 Members of this House, is prepared to say that he or she is qualified to make those determinations, is qualified to decide that a particular group of people does in fact historically and anthropologically constitute an Indian tribe?

Who among us is prepared to say that we have the necessary knowledge, training, and capability to determine that in fact that sovereign status between that Indian nation and this Nation should be established, with all that does with it, with all the benefits that flow from this Nation to a recognized sovereign Indian nation?

Who among us is prepared to step forward and say this body is qualified to make those determinations? I would say very few, if any.

It was for that reason that this Congress, the U.S. Congress, in consultation with Indian nations, determined, first, that an administrative process should be established, and second, what that process should be. If that process is in fact flawed, we should find out about it and we should do something about it, but we should not set up the Congress of the United States as the final arbiter of who and what constitutes an Indian tribe and who and what does not. We simply do not have that capability and we simply should not be in that business.

My opposition to this legislation is not based on the substantive question of is the Micmac Band in fact a tribe. For the reasons I have just stated, I do not know and I am not prepared or qualified to make that determination. My opposition is that we have established an administrative procedure. We have urged others to go through the administrative procedure. We have required others to go through the administrative procedure. We ought not now on an ad hoc basis begin to go around that process and set ourselves up as the final decisionmaking authority on what is a very, very important issue.

So my opposition here is not based upon whether or not this group of people deserves this recognition. They very well may, and if they do, then they should receive it. My opposition is that we are establishing a precedent. We are saying to those who either do not want to take the time or spend the money or run the risk of going through the administrative process, we are say-

ing to them, "Come to Congress and we will take care of the issue for you." I do not think that is the message we wish to send.

In conclusion, Mr. Chairman, I shall point out that earlier in the month the administration indicated that if this bill does pass, it will be vetoed. That statement of administration policy was reissued today. It is as strong or stronger in terms of indicating that the Secretary of the Interior and the Attorney General will both recommend to the President that he veto the bill if it does pass.

Mr. MILLER of California. Mr. Chairman, I will yield further in a moment, but I want to recognize clearly the work done by our colleagues, the gentlewoman from Maine [Ms. SNOWE] and the gentleman from Maine [Mr. ANDREWS], on behalf of this legislation in getting our committee to address this settlement and to get it to the floor. I want to tell them how much I appreciate all the help they have been.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maine [Mr. ANDREWS].

□ 1520

Mr. ANDREWS of Maine. Mr. Chairman, I thank the chairman for yielding this time to me.

Mr. Chairman, I also thank the gentleman from California [Mr. MILLER] and his committee for the work they have done on this important issue.

I would also like to thank my colleague from the northern part of my State, the gentlewoman from Maine [Ms. SNOWE], for her outstanding work on this issue as well.

Mr. Chairman, I heard on the way over here a discussion among some Members of Congress. They were discussing this particular issue. I overheard one of them explain in kind of a tongue-in-cheek fashion that this is not the most pressing issue facing his constituents at home this session.

While that is probably very much the case, Mr. Chairman, for hundreds of Micmac Indians of Maine, what we do in this Chamber in the next few minutes is going to make a very great deal of difference indeed.

My first experience with the Micmac Indians, Mr. Chairman, occurred in the mid-1970's, when I did quite a bit of work with homeless Maine people.

Mr. Chairman, I saw first hand the poverty and the despair that was part of their daily lives. I am talking, Mr. Chairman, about poverty and despair.

To put this issue in perspective for the Members of this body, I would like you to think about how many times we in this House have talked about the recession and the great pain that it has caused our people and how we have to work vigorously to undo this pain that some are suffering by virtue of the great unemployment in this country, unemployment rates going as high as 6, 7, 8 percent or more.

Well, the unemployment rate for Micmac Indians of Maine is 75 percent. The dropout rate for Micmac young people from high school is 95 percent. Life expectancy of a Micmac Indian in Maine is 46 years.

Mr. Chairman, most Micmacs live well below the poverty level. Alcoholism is a very serious problem.

We heard in the comments of the gentleman from Arizona [Mr. RHODES] a reference to the issue of fairness, and he asked the question: Is this process fair?

Mr. Chairman, I am here to say yes, it is fair, and that is exactly what the Micmac Indians of Maine are asking this Congress for, fairness, for justice, and for the opportunity and the hope to rebuild their communities, to rebuild their traditions, and to rebuild their lives.

In 1980, fairness and justice was served when the Congress of the United States and the President signed into law the Maine Indian Claims Act, using precisely the process we are using here today. The claims were made, the process and those claims were reviewed, extensive work was conducted through the committee process. A bill was passed on the floor of this body and the other body and signed into law.

Mr. Chairman, it awarded a land trust to the Penobscot, the Passamaquoddy, and the Maliseet Indians of Maine. The Micmacs were left out because funds were scarce in the late 1970's to complete the research necessary to establish that they were part of the State at the time in question. And the Micmacs had no lawyer, no representation, at the time.

Now we know that, from the research that was conducted, that they have lived in the State since that time without any question at all. I have not heard any refutation of these facts from anyone that the tribe lived in the State of Maine since the 1600's. As a matter of fact, they signed a friendship treaty with the Governor of Massachusetts just 15 days after we signed our Declaration of Independence.

It is clear by those closest to the status of the case that because they were left out and because of the process that the chairman of the committee called an abomination, the Micmacs are now caught in a classic Catch-22 bureaucratic knot.

Mr. Chairman, that knot has been strangling them. This bill undoes that knot. This bill establishes fairness. It has broad bipartisan support among the Maine delegation and among Maine people, and includes broad bipartisan support by the legislature through legislation passed in 1989 that implements the law that we will, hopefully, pass in this Chamber.

Most eloquent statements of support came from people from throughout the State of Maine. I think probably the most eloquent came last year from two

Winthrop, ME, students from my district from the community of Winthrop. And I would like to quote them, the testimony that they provided this Congress:

When we learned about the Micmacs plight, we knew that we had to do something, for their deplorable situation is not a concern just to the Micmacs, not a concern just to the Government, but a concern to all of us.

As the Rev. Martin Luther King, Jr. once said, "An injustice anywhere, is a threat to justice everywhere." Today you have an opportunity to make sure that this injustice committed 10 years ago is rectified. We realize that this bill may seem insignificant and unimportant when compared to many other important issues of today, but it is not.

Over the last year, we at Winthrop High School have grown very close to the Micmacs. We have had them in our homes and classrooms. We have learned about their basket making techniques and heard their stories. They are our friends. But we fear that unless this bill is passed, their great pride, history, and culture will be lost forever.

I ask, Mr. Chairman, that we heed the words, those eloquent words, of the high school students from Winthrop, that we support this bipartisan initiative, and I ask this Chamber to join me in taking a stand for fairness and justice for the Micmac Indians of Maine.

Mr. RHODES. Mr. Chairman, I yield such time as she may consume to my friend, the gentlewoman from Maine [Ms. SNOWE].

Ms. SNOWE. Mr. Chairman, I thank the gentleman for yielding this time to me. I also thank the gentleman for his assistance in getting this bill to the floor.

I also would like to thank my colleague, the gentleman from Maine [Mr. ANDREWS], for his statement on behalf of this legislation for the Micmac Indians.

Mr. Chairman, I also thank the gentleman from California [Mr. MILLER], the chairman of the committee, for his assistance in getting this bill to the floor.

Mr. Chairman, the legislation before you, which has the support of the entire Maine congressional delegation, has been 3 years in the making. The decision to seek a legislative remedy to the Micmacs' omission from the 1980 Maine Indian Claims Settlement Act was not taken lightly and resulted only after a very careful review of the options and the issues involved. If we did not believe that the Micmacs had a just cause for legislative recourse, we would not have introduced this bill.

In 1986, the Maine congressional delegation was first approached by the Micmacs on this issue, 6 years after the enactment of the original Settlement Act. After exhaustive research, I introduced identical legislation in the last Congress which was brought before this body under suspension of the rules. The bill received a majority vote, but was short of the necessary two-thirds.

As I noted, the delegation's decision to seek legislative recognition was reached only after a careful review of the facts. It was also reached because the band asked for—and deserves—equitable treatment.

It was not the purpose of the 1980 Settlement Act to omit any tribe. The purpose was to settle all Indian claims in Maine.

In 1980 Congress did just that when it settled the claims of the other Indians tribes in Maine—the Penobscot Indian Nation, the Passamaquoddy Tribe, and the Houlton Band of Malisets—through the passage of the 1980 Maine Indian Claims Settlement Act—Public Law 96-420.

At that time, after 8 years of legal wrangling, the Congress, the administration, and the State of Maine negotiated a settlement with these three tribes to end their claims on two-thirds of the land in the State. The issues encompassed by the settlement were summoned up by the Justice Department as "potentially the most complex litigation ever brought in the Federal courts with social and economic impacts without precedent. * * *"

The settlement provided Federal recognition for the three tribes and funding for land acquisition. Its purpose was to provide for the settlement of all Indian claims in the State of Maine.

The Micmac Band admits it was poorly organized and poorly financed in the 1970's. During that time they were partners with the Houlton Band of Malisets in the Association of Aroostook Indians. They believed that the association's resources were being used to research and present evidence to show that both bands belonged in the settlement. The limited resources of the association, however, were used to ensure the inclusion of the Malisets, not the Micmacs.

And, in fact, the Malisets were included in the settlement at the last minute as the result of the Penobscot and Passamaquoddy's willingness to share the settlement figure being discussed. The Micmacs were excluded.

It has been 11 years since the enactment of the Settlement Act. The Micmacs have spent those years working to gain recognition, the services it would provide, and the monetary ability to purchase a land base.

With funding assistance received from the Administration for Native Americans, the band hired anthropologists to help document their historical presence in Maine, including references to their presence by Champlain in the 16th century; to prove their continuing relationship with the U.S. Government, which goes back to the signing of the Treaty of Watertown in 1776; and to show their continued existence as a tribal entity.

They have also recognized their tribal structure and assembled a tribal roll. The tribal council has been serv-

ing as a community action program of offering housing improvements, child and foster care assistance, and substance abuse prevention services to band members. It has also fostered the continuation of the band's culture and traditions among the band's youth as well as sharing it with area groups and schools.

One of the key criteria a group must be able to document in order to receive Federal recognition is their historical presence in the United States. The Micmacs and their anthropologists have carefully documented the band's history in Maine dating back to the early 1600's by the early European explorers.

In the 17th century the Micmacs helped form the Wabanaki Confederacy, through which they were signatories to 10 treaties with the Colony of Massachusetts in the years between 1678 and the start of the American Revolutionary War. The tribes of the confederacy continued to gather at regular intervals late in the 19th century, and Micmacs were present at the final gathering, held in Old Town, ME, in 1861.

The Micmacs signed a treaty of friendship with the fledgling U.S. Government in 1777, the Treaty of Watertown, and by the spring of 1778 Micmac warriors were assisting the war effort.

Throughout the 1800's the Micmacs continued their migratory patterns and were driven away from much of their traditional lands by the growing white population. At that time the State of Maine began enacting laws recognizing the presence of off-reservation Indians, such as the Micmacs and Malisets, as well as the Penobscots and Passamaquoddy on their reservations. These laws fell into four distinct categories: hunting, gaming, and fishing; laws relating to migratory movements; tax exemptions; and general assistance.

In 1925, the State began providing general assistance to off-reservation Indians. This assistance, along with that provided by an Office of Indian Assistance opened in Aroostook County during the 1970's, was withdrawn after passage of the 1980 act.

Today, 75 percent of the adult members of the band live in a 79-mile-long corridor along the Maine-Canada border in Aroostook County. The estimated 200 households fall into the seven major kin groups which have intermarried since at least the early 19th century.

The tribal council includes members from these seven kin groups. Almost half the households contain at least one family member who still understands or speaks the Micmac language.

Many of the band members continue to follow the seasonal employment patterns for their ancestors, going from fiddlehead harvesting in the spring to blueberry harvests in summer, the potato harvest in the fall, and traditional

Micmac basket-making during the winter months.

A 1990 survey of band households found that 68 percent of the Micmac families are living on less than \$10,000 a year, with over 32 percent of these families surviving on less than \$5,000 annually. Only 24 percent of the households surveyed had heads of households who had full-time employment.

The opponents of the bill will dispute the Micmacs' claims, call for fairness and a strict adherence to the process. When the band came to me in 1986, I asked many of the same questions.

But the band has answered my questions and concerns and those raised by the Interior Committee. I believe that the goal of the 1980 act, which was to provide "a fair and equitable settlement * * *" extends to the band and that the bill before us provides that fairness.

Some have argued, understandably, that the band go through the Federal acknowledgment process [FAP] like other tribes. Under normal circumstances, I would agree. But the 1980 Settlement Act makes that impossible.

Section 4 of the 1980 Settlement Act extinguishes "all claims against the United States, any State or any subdivision thereof, or any other person or entity, by the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or any of their members or by any other Indian, Indian nation, tribe or band of Indians * * *"

FAP requires a group to establish that it has not been the subject of congressional legislation which expressly terminates or forbids a relationship with the Federal Government. Section 4 of Public Law 96-420 does just that. So the band could spend years with a petition before the Department only to be turned down, because of something they had no control over—Congress.

Further, the Micmacs would hardly be the first tribe to receive legislative recognition since FAP was established in 1978. Thirteen bills granting recognition or restoration of benefits have been adopted since 1978 when FAP was established. These bills provided recognition to 20 tribes. Three of those tribes were from Maine. So we are not setting some new precedent.

Fundamentally, this bill treats the Micmacs just as Congress treated Maine's other three tribes. It uses the same process and provides them with the same benefits. So if precedent is the concern, you should support this precedent-adhering bill.

Mr. Chairman, H.R. 932 is supported by the entire Maine congressional delegation, the Governor of Maine, the Maine State Legislature, Maine's attorney general, the three recognized tribes in Maine, and numerous cities and towns throughout northern Maine.

Passage of the bill before us today will provide the 475 members of the

Aroostook Band of Micmacs with the ability to determine their future. Richard Silliboy, a member of the Aroostook band of Micmacs, explained its importance in a recent newspaper article: "A government settlement won't give us our culture back, but it will give us an opportunity. Whether we do something with that chance is up to us."

If the Micmacs had been capable of producing the evidence which sits before us today in 1980, we wouldn't be debating this issue. That information is before us now, though, and on behalf of the band, I am asking for your support for passage of the committee bill so that the band can begin their future.

□ 1530

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, I certainly would like to commend the gentlewoman from Maine [Ms. SNOWE], also my good friend and colleague, the gentleman from Maine [Mr. ANDREWS], for bringing this legislation for consideration on the House floor; certainly the gentleman from California [Mr. MILLER] and members of the committee, and certainly the gentleman from Arizona [Mr. RHODES], my friend who has always been an active participant when we discuss issues involving native Americans.

Mr. Chairman, we have discussed the issue of process before, and for your information, Mr. Chairman, the process did not begin until 1978 initially. And yet the Micmacs, as a tribe, have existed long before the founding of our country, and I would like to say that in fairness to these people, the 475 members of the Micmac Tribe, this legislation is past overdue. We need favorable consideration for the Members, not only from the committee that has been expressed, but, as well, from the Members of this body.

Mr. Chairman, I would urgently ask my colleagues in the House to favorably vote this bill out of this Chamber and that we give the Micmacs what they surely deserve, and I want to commend again my good friends, the gentleman from Maine [Mr. ANDREWS] and the gentlewoman from Maine [Ms. SNOWE], for bringing this legislation to the fore.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume, and I just want to state a couple of things, and that is it has been suggested here that the administration had said that they will veto the bill, and I believe that probably accurately reflects their position. But I think the House has got to work its will. There really is no other forum for the Micmacs. This is it.

This is the exact same process that this House overwhelmingly approved

with respect to the Maine Indian settlement. This tribe was left out of that settlement by an oversight, by a lack of resources.

Mr. Chairman, we have listened to our colleague, the gentleman from Maine [Mr. ANDREWS], describe the plight of the Micmacs, their economic situation, their health situation, their unemployment situation, and to now suggest that this tribe would have to engage in a process that has cost other tribes hundreds and thousands of dollars and many, many years, as the gentlewoman from Maine [Ms. SNOWE] has pointed out, to take another decade to prove what they have already proven, is to, in fact, deny them justice and to deny them this forum that should be readily available to them.

Let us remember that the process that the BIA is using is not there by virtue of statute. It is there by virtue of leave of Congress, and to continue to throw up that process to deny tribes that have a proper claim, a fair claim and a just claim, we cannot continue to tolerate.

Some have suggested that that would make more work for the Congress. So be it. That is our job. That is we spend much of our time here weighing the equities, weighing the truth and the veracity of claims that are made on behalf of individuals against the U.S. Government. That is our task.

Today we are here, after hearings, after scrutiny of the claim with Micmacs, and it is our belief that this Congress should find on their behalf and not suggest to them that they should be shuttled off to a process that is essentially designed for an unsuccessful conclusion.

Mr. Chairman, I am fully prepared to review that process along the lines suggested by the gentleman from Arizona [Mr. RHODES], my colleague, because I think its criticisms are made in good faith and are well intentioned.

□ 1540

But I am also here to say that if the process cannot be corrected, we cannot continue to take the limited amount of resources available to the Bureau of Indian Affairs and have them gobbled up in a process that has simply ceased to function. That may make the work of our committee and the work of this Congress, somewhat more difficult, but it is also a tribute to this Congress that our colleagues from Maine can get our attention, with all the completing claims we get, and we could pause for a moment to talk about providing a claim for people for their aboriginal lands, for their cultural heritage, and for the wrongful termination of those lands and what was taken from them. It is significant that this Congress can pause for a moment to deal with those issues that so many people believe are not part of the American culture or American history, and that that is a bygone era.

One of the tributes to this Congress and this body is that we constantly try to rectify those injustices when they become apparent to us and clear on their face. Clearly that is what the Micmacs have provided to the Congress, and I would ask my colleagues to vote in favor of this settlement claim and to support our colleagues from Maine.

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

Mr. MILLER of California. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the bill shall be considered under the 5-minute rule by sections, and each section shall be considered as having been read.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent that the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of H.R. 932 is as follows:

H.R. 932

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aroostook Band of Micmacs Settlement Act".

SEC. 2. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.

(a) FINDINGS AND POLICY.—Congress hereby finds and declares that:

(1) The Aroostook Band of Micmacs, as represented as of the time of passage of this Act by the Aroostook Micmac Council, is the sole successor in interest, as to lands within the United States, to the aboriginal entity generally known as the Micmac Nation which years ago claimed aboriginal title to certain lands in the State of Maine.

(2) The Band was not referred to in the Maine Indian Claims Settlement Act of 1980 because historical documentation of the Micmac presence in Maine was not available at that time.

(3) This documentation does establish the historical presence of Micmacs in Maine and the existence of aboriginal lands in Maine jointly used by the Micmacs and other tribes to which the Micmacs could have asserted aboriginal title but for the extinguishment of all such claims by the Maine Indian Claims Settlement Act of 1980.

(4) The Aroostook Band of Micmacs, in both its history and its presence in Maine, is similar to the Houlton Band of Maliseet Indians and would have received similar treatment under the Maine Indian Claims Settlement Act of 1980 if the information available today had been available to Congress and the parties at that time.

(5) It is now fair and just to afford the Aroostook Band of Micmacs the same settlement provided to the Houlton Band of Maliseet Indians for the settlement of that Band's claims, to the extent they would have benefited from inclusion in the Maine Indian Claims Settlement Act of 1980.

(6) Since 1820, the State of Maine has provided special services to the Indians residing within its borders, including the members of

the Aroostook Band of Micmacs. During this same period, the United States provided few special services to the Band and repeatedly denied that it had jurisdiction over or responsibility for the Indian groups in Maine. In view of this provision of special services by the State of Maine, requiring substantial expenditures by the State of Maine and made by the State of Maine without being required to do so by Federal law, it is the intent of Congress that the State of Maine not be required further to contribute directly to this settlement.

(b) PURPOSE.—It is the purpose of this Act to—

(1) provide Federal recognition of the Band;

(2) provide to the members of the Band the services which the United States provides to Indians because of their status as Indians; and

(3) place \$900,000 in a land acquisition fund and property tax fund for the future use of the Aroostook Band of Micmacs.

SEC. 3. DEFINITIONS.

For the purposes of this Act:

(1) The term "Band" means the Aroostook Band of Micmacs, the sole successor to the Micmac Nation as constituted in aboriginal times in what is now the State of Maine, and all its predecessors and successors in interest. The Aroostook Band of Micmacs is represented, as of the date of enactment of this Act, as to lands within the United States, by the Aroostook Micmac Council.

(2) The term "Band Tax Fund" means the fund established under section 4(b) of this Act.

(3) The term "Band Trust Land" means land or natural resources acquired by the Secretary of the Interior and held in trust by the United States for the benefit of the Band.

(4) The term "land or natural resources" means any real property or natural resources, or any interest in or right involving any real property or natural resources, including (but not limited to) minerals and mineral rights, timber and timber rights, water and water rights, and hunting and fishing rights.

(5) The term "Land Acquisition Fund" means the fund established under section 4(a) of this Act.

(6) The term "laws of the State" means the constitution, and all statutes, regulations, and common laws of the State of Maine and its political subdivisions and all subsequent amendments thereto or judicial interpretations thereof.

(7) The term "Maine Implementing Act" means the Act entitled "Act to Implement the Maine Indian Claims Settlement" that was enacted by the State of Maine in chapter 732 of the Maine Public Laws of 1979, as amended by chapter 675 of the Maine Public Laws of 1981 and chapter 672 of the Maine Public Laws of 1985, and all subsequent amendments thereto.

(8) The term "Secretary" means the Secretary of the Interior.

SEC. 4. AROOSTOOK BAND OF MICMACS LAND ACQUISITION AND PROPERTY TAX FUNDS.

(a) LAND ACQUISITION FUND.—There is hereby established in the Treasury of the United States a fund to be known as the Aroostook Band of Micmacs Land Acquisition Fund, into which \$900,000 shall be deposited by the Secretary following the appropriation of sums authorized by section 10.

(b) BAND TAX FUND.—(1) There is hereby established in the Treasury of the United States a fund to be known as the Aroostook

Band of Micmacs Tax Fund, into which shall be deposited \$50,000 in accordance with the provisions of this Act.

(2) Income accrued on the Land Acquisition Fund shall be transferred to the Band Tax Fund until a total of \$50,000 has been transferred to the Band Tax Fund under this paragraph. No transfer shall be made under this subsection if such transfer would diminish the Land Acquisition Fund to a balance of less than \$900,000.

(3) Whenever funds are transferred to the Band Tax Fund under paragraph (2), the Secretary shall publish notice of such transfer in the Federal Register. Such notice shall specify when the total amount of \$50,000 has been transferred to the Band Tax Fund.

(4) The Secretary shall manage the Band Tax Fund in accordance with section 1 of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a), and shall utilize the principal and interest of the Band Tax Fund only as provided in paragraph (5) and section 5(d) and for no other purpose.

(5) Notwithstanding the provisions of title 31, United States Code, the Secretary shall pay out of the Band Tax Fund, all valid claims for taxes, payments in lieu of property taxes, and fees, together with any interest and penalties thereon—

(A) for which the Band is determined to be liable;

(B) which are final and not subject to further administrative or judicial review; and

(C) which have been certified by the Commissioner of Finance in the State of Maine as valid claims that meet the requirements of this paragraph.

(c) SOURCE FOR CERTAIN PAYMENTS.—Notwithstanding any other provision of law, if—

(1) the Band is liable to the State of Maine or any county, district, municipality, city, town, village, plantation, or any other political subdivision thereof for any tax, payment in lieu of property tax, or fees, together with any interest and penalties thereon, and

(2) there are insufficient funds in the Band Tax Fund to pay such tax, payment, or fee (together with any interest or penalties thereon) in full,

the deficiency shall be paid by the Band only from income-producing property owned by the Band which is not held in trust for the Band by the United States and the Band shall not be required to pay such tax, payment, or fee (or any interest or penalty thereon) from any other source.

(d) PROCEDURE FOR FILING AND PAYMENT OF CLAIMS.—The Secretary shall, after consultation with the Commissioner of Finance of the State of Maine, and the Band, prescribe written procedures governing the filing and payment of claims under this section.

SEC. 5. AROOSTOOK BAND TRUST LANDS.

(a) IN GENERAL.—Subject to the provisions of section 4, the Secretary is authorized and directed to expend, at the request of the Band, the principal of, and income accruing on, the Land Acquisition Fund for the purposes of acquiring land or natural resources for the Band and for no other purposes. Land or natural resources acquired within the State of Maine with funds expended under the authority of this subsection shall be held in trust by the United States for the benefit of the Band.

(b) ALIENATION.—(1) Land or natural resources acquired with funds expended under the authority of subsection (a) and held in trust for the benefit of the Band may be alienated only by—

(A) takings for public use pursuant to the laws of the State of Maine as provided in subsection (c);

(B) takings for public use pursuant to the laws of the United States; or

(C) transfers made pursuant to an Act or joint resolution of Congress.

All other transfers of land or natural resources acquired with funds expended under the authority of subsection (a) and held in trust for the benefit of such Band shall be void ab initio and without any validity in law or equity.

(2) The provisions of paragraph (1) shall not prohibit or limit transfers of individual use assignments of land or natural resources from one member of the Band to another member of such Band.

(3) Land or natural resources held in trust for the benefit of the Band may, at the request of the Band, be—

(A) leased in accordance with the Act of August 9, 1955 (25 U.S.C. 415 et seq.);

(B) leased in accordance with the Act of May 11, 1938 (25 U.S.C. 396a et seq.);

(C) sold in accordance with section 7 of the Act of June 25, 1910 (25 U.S.C. 407);

(D) subjected to rights-of-way in accordance with the Act of February 5, 1948 (25 U.S.C. 323 et seq.);

(E) exchanged for other land or natural resources of equal value, or if they are not equal, the values shall be equalized by the payment of money to the grantor or to the Secretary for deposit in the land acquisition fund for the benefit of the Band, as the circumstances require, so long as payment does not exceed 25 percent of the total value of the interests in land to be transferred by the Band; and

(F) sold, only if at the time of sale the Secretary has entered into an option agreement or contract of sale to purchase other lands of approximate equal value.

(c) CONDEMNATION BY STATE OF MAINE AND POLITICAL SUBDIVISIONS THEREOF.—(1) Land or natural resources acquired with funds expended under the authority of subsection (a) and held in trust for the benefit of the Band may be condemned for public purposes by the State of Maine, or any political subdivision thereof, only upon such terms and conditions as shall be agreed upon in writing between the State and such Band after the date of enactment of this Act.

(2) The consent of the United States is hereby given to the State of Maine to further amend the Maine Implementing Act for the purpose of embodying the agreement described in paragraph (1).

(d) ACQUISITION.—(1) Lands and natural resources may be acquired by the Secretary for the Band only if the Secretary has, at any time prior to such acquisition—

(A) transmitted a letter to the Secretary of State of the State of Maine stating that the Band Tax Fund contains \$50,000; and

(B) provided the Secretary of State of the State of Maine with a copy of the procedures for filing and payment of claims prescribed under section 4(d).

(2)(A) No land or natural resources may be acquired by the Secretary for the Band until the Secretary files with the Secretary of State of the State of Maine a certified copy of the deed, contract, or other conveyance setting forth the location and boundaries of the land or natural resources to be acquired.

(B) For purposes of subparagraph (A), a filing with the Secretary of State of the State of Maine may be made by mail and, if such method of filing is used, shall be considered to be completed on the date on which the document is properly mailed to the Secretary of State of the State of Maine.

(3) Notwithstanding the provisions of the first section of the Act of August 1, 1888 (40

U.S.C. 257) and the first section of the Act of February 26, 1931 (40 U.S.C. 258a), the Secretary may acquire land or natural resources under this section from the ostensible owner of the land or natural resources only if the Secretary and the ostensible owner of the land or natural resources have agreed upon the identity of the land or natural resources to be sold and upon the purchase price and other terms of sale. Subject to the agreement required by the preceding sentence, the Secretary may institute condemnation proceedings in order to perfect title, satisfactory to the Attorney General of the United States, in the United States and condemn interests adverse to the ostensible owner.

(4)(A) When trust or restricted land or natural resources of the Band are condemned pursuant to any law of the United States other than this Act, the proceeds paid in compensation for such condemnation shall be deposited into the Land Acquisition Fund and shall be reinvested in acreage within unorganized or unincorporated areas of the State of Maine. When the proceeds are reinvested in land whose acreage does not exceed that of the land taken, all the land shall be acquired in trust. When the proceeds are invested in land whose acreage exceeds the acreage of the land taken, the Band shall designate, with the approval of the United States, and within 30 days of such reinvestment, that portion of the land acquired by the reinvestment, not to exceed the area taken, which shall be acquired in trust. The land acquired from the proceeds that is not acquired in trust shall be held in fee by the Band. The Secretary shall certify, in writing, to the Secretary of State of the State of Maine the location, boundaries, and status of the land acquired from the proceeds.

(B) The State of Maine shall have initial jurisdiction over condemnation proceedings brought under this section. The United States shall be a necessary party to any such condemnation proceedings. After exhaustion of all State administrative remedies, the United States is authorized to seek judicial review of all relevant matters involved in such condemnation proceedings in the courts of the United States and shall have an absolute right of removal, at its discretion, over any action commenced in the courts of the State.

(5) Land or natural resources acquired by the Secretary in trust for the Band shall be managed and administered in accordance with terms established by the Band and agreed to by the Secretary in accordance with section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) or other applicable law.

SEC. 6. LAWS APPLICABLE.

(a) **FEDERAL RECOGNITION.**—Federal recognition is hereby extended to the Aroostook Band of Micmacs. The Band shall be eligible to receive all of the financial benefits which the United States provides to Indians and Indian tribes to the same extent, and subject to the same eligibility criteria, generally applicable to other federally recognized Indians and Indian tribes.

(b) **APPLICATION OF FEDERAL LAW.**—For the purposes of application of Federal law, the Band and its lands shall have the same status as other tribes and their lands accorded Federal recognition under the terms of the Maine Indian Claims Settlement Act of 1980.

(c) **ELIGIBILITY FOR SPECIAL SERVICES.**—Notwithstanding any other provision of law authorizing the provision of special programs and services by the United States to Indians because of their status as Indians, any member of the Band in Aroostook Coun-

ty, Maine, shall be eligible for such services without regard to the existence of a reservation or the residence of members of the Band on or near a reservation.

(d) **AGREEMENTS WITH STATE REGARDING JURISDICTION.**—The State of Maine and the Band are authorized to execute agreements regarding the jurisdiction of the State of Maine over lands owned by, or held in trust for the benefit of, the Band or any member of the Band.

SEC. 7. TRIBAL ORGANIZATION.

(a) **IN GENERAL.**—The Band may organize for its common welfare and adopt an appropriate instrument in writing to govern the affairs of the Band when acting in its governmental capacity. Such instrument and any amendments thereto must be consistent with the terms of this Act. The Band shall file with the Secretary a copy of its organic governing document and any amendments thereto.

(b) **MEMBERS.**—For purposes of benefits provided by reason of this Act, only persons who are citizens of the United States may be considered members of the Band except persons who, as of the date of enactment of this Act, are enrolled members on the Band's existing membership roll, and direct lineal descendants of such members. Membership in the Band shall be subject to such further qualifications as may be provided by the Band in its organic governing document, or amendments thereto, subject to approval by the Secretary.

SEC. 8. IMPLEMENTATION OF THE INDIAN CHILD WELFARE ACT.

For the purposes of this section, the Band is an "Indian tribe" within the meaning of section 4(8) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1903(8)), except that nothing in this section shall alter or affect the jurisdiction of the State of Maine over child welfare matters as provided by the Maine Indian Claims Settlement Act of 1980.

SEC. 9. FEDERAL FINANCIAL AID PROGRAMS UNAFFECTED BY PAYMENTS UNDER THIS ACT.

(a) **STATE OF MAINE.**—No payments to be made for the benefit of the Band pursuant to this Act shall be considered by any agency or department of the United States in determining or computing the eligibility of the State of Maine for participation in any financial aid program of the United States.

(b) **BAND AND MEMBERS OF THE BAND.**—(1) The eligibility for, or receipt of, payments from the State of Maine by the Band or any of its members shall not be considered by any department or agency of the United States in determining the eligibility of, or computing payments to, the Band or any of the members of the Band under any Federal financial aid program.

(2) To the extent that eligibility for the benefits of any Federal financial aid program is dependent upon a showing of need by the applicant, the administering agency shall not be barred by this subsection from considering the actual financial situation of the applicant.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$900,000 for the fiscal year 1992 for transfer to the Aroostook Band of Micmacs Land Acquisition Fund.

SEC. 11. INTERPRETATION.

In the event of a conflict of interpretation between the provisions of the Maine Implementing Act or the Maine Indian Claims Settlement Act of 1980 and this Act, the provisions of this Act shall govern.

SEC. 12. LIMITATION OF ACTIONS.

No provision of this Act may be construed to confer jurisdiction to sue, or to grant im-

plied consent to the Band to sue, the United States or any of its officers with respect to the claims extinguished by the Maine Indian Claims Settlement Act of 1980.

The CHAIRMAN. Are there any amendments to the bill?

Mr. MILLER of California. Mr. Chairman, there are no amendments to the bill.

The CHAIRMAN. If not, under the rule, the Committee rises.

Accordingly, the Committee rose, and the Speaker pro tempore (Mr. HAYES of Illinois) having assumed the chair, Mr. WISE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 932) to settle all claims of the Aroostook Band of Micmacs resulting from the band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes, pursuant to House Resolution 269, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

Mr. MILLER of California. Mr. Speaker, pursuant to the provisions of House Resolution 269, I call up from the Speaker's table the Senate bill (S. 374) to settle all claims of the Aroostook Band of Micmacs resulting from the band's omission from the Maine Indian Claims Settlement Act of 1980, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Does the gentleman from California [Mr. MILLER] seek time on the Senate bill?

Mr. MILLER of California. Yes, Mr. Speaker, I do.

The SPEAKER pro tempore. The gentleman from California [Mr. MILLER] is recognized.

Mr. MILLER of California. Mr. Speaker, if I may just make a quick explanation, I would inform the Members that the Senate bill, S. 374, is identical to the language contained in the bill just passed.

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

A similar House bill (H.R. 932) was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered and passed.

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

There was no objection.

VACATION OF SPECIAL ORDER AND AUTHORIZATION FOR A NEW SPECIAL ORDER

Mr. ROEMER. Mr. Speaker, I ask unanimous consent that the special order requested by the gentleman from New York [Mr. OWENS] be vacated, and that I be recognized for a special order for 60 minutes in its place.

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

There was no objection.

UNITED STATES TRADE POLICIES VIS A VIS ASIA/PACIFIC REGION

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

Mr. FALEOMAVAEGA. Mr. Speaker, with all the controversies surrounding regional trade blocks, and the concerns expressed by some relative to free trade policies of our own country, I want to share with my colleagues a very perceptive article written by Mr. Richard Fisher, Jr., which appeared on the Sunday edition of the Washington Times newspaper. This is with reference to U.S. trade policies toward the Asia-Pacific region.

Mr. Speaker, last year our country conducted a \$310 billion trade relationship with the Asia-Pacific region. Out of that, our country exported in excess of \$310 billion to the Asia-Pacific area. What this simply means is that we better give more attention to this region of the world.

Mr. Speaker, there is movement by certain Asian countries to initiate an Asian-Pacific regional trade bloc, since there is a perceived notion that the European Economic Community is definitely ridden with trade barrier policies, and it appears the same is true with the North American Free Trade Zone.

Mr. Speaker, today several Asian and Pacific countries are meeting in Seoul, Korea, to continue the dialog to establish a forum for Asia-Pacific economic cooperation. It is imperative that our country is an active participant in these talks, and that our economic interests in the Pacific region should not be considered passively by both the Congress and the administration.

[From the Washington Times, Nov. 10, 1991]

(By Richard Fisher, Jr.)

ASIAN TRADE BLOC WHISPERS

Among the most serious challenges to the United States in Asian is the growing possibility that Japan and its neighbors will form their own trading bloc.

The idea has gained some currency among Asians who fear being squeezed between the European Community (EC) and the North American bloc they see emerging from the

North American Free Trade Area talks between the United States, Mexico and Canada.

Late last year for example, Malaysia proposed an East Asian Economic Group (EAEG), which would be led by Japan and specifically exclude the United States.

So far, the idea has not gained much support. South Korea and the United States have openly opposed it. And Japanese Prime Minister Kiichi Miyazawa has said he prefers building closer economic ties with the United States rather than creating a regional trade bloc. However, some Japanese officials warn privately that while there is now only lukewarm interest in the Malaysian proposal, it could heat up if the North American compact becomes a barrier to Japanese exports.

The United States needs to use its influence to disarm such talk. Trade between the United States and Asia amounted to \$310 billion last year. Any hint of protectionist fever coming from Asia would only fuel similar resentments in the U.S. Congress. And in the long run, all of us—Americans and Asians alike—would suffer.

Currently, there isn't much support for Malaysia's proposal anywhere in Asia, including among the six-member Association of Southeast Asian Nations (ASEAN), whose trade ministers see ASEAN forming its own free trade area (FTA). However, this seeming lack of support for an Asian trade bloc should not lull the United States into complacency. Out of the \$310 billion total in two way trade in 1990, the United States exported \$110 billion to Asia. To ensure that U.S. trade with Asia continues to grow, the Bush administration must begin to outline a free trade strategy for the region.

It will have a chance to do so at the Nov. 12 meeting in Seoul, South Korea, which will bring together the 12 members of the forum for Asia Pacific Economic Cooperation (APEC), including ASEAN countries, Japan, Korea, Canada, Australia, New Zealand and the United States. An American strategy to promote free trade in Asia should have at least three elements. First, the United States must assure Asians that the North American FTA will not mimic the EC in creating barriers to their exports—and, indeed, Washington can suggest that APEC could eventually form a free trade alliance with North America. This would create the world's largest free trade zone, and put pressure on the EC to lower its barriers as well. Second, the United States should state its unequivocal preference for APEC as the principal arena for lowering trade barriers in Asia. Third, Washington needs to develop free trade alliances with Asia that could serve as a foundation for an eventual trans-Pacific trade alliance. For example, the United States should respond positively to New Zealand Prime Minister Jim Bolger's suggestion in early October that New Zealand join the North American FTA. The United States also should publicly praise ASEAN's intention to form a free trade alliance, and suggest an eventual ASEAN-North American free trade pact. Lastly, Washington could encourage bilateral agreements with allies like Singapore, Taiwan, Korea and the Philippines.

Critics of free trade have warned for years that it is likely to spread like a virus. Let's hope it does, and that the Bush administration is wise enough to help spread it. Free trade is in everyone's best interest, just as protectionism is in no one's.

MAGIC JOHNSON AND THE AIDS EPIDEMIC

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

Mr. DORNAN of California. Mr. Speaker, since 1985 there have only been about three Members of this Chamber, four at the outside, who have constantly and regularly sounded the clarion call about the dangers of AIDS and the public conduct of this country and Western Europe, and again what was happening in Asia and now Russia. Finally comes this not-so-magic moment of this tall, handsome, powerful athlete, Magic Johnson, being struck by the HIV virus that is probably in such an advanced stage that he probably will have to start AZT this week.

There was an editorial in the Orange County Register that I think sets it right, not to go too far, although I am vigorously supporting Earvin "Magic" Johnson for the replacement seat on the AIDS Commission of President Bush.

Mr. Speaker, let us listen to these few words from the editorial, and then I will submit the whole editorial:

The first thing to be said about Magic Johnson's awful news is this. The man has awesome poise . . .

Then it goes on for four paragraphs talking about his courage, his manliness, and what he can do to help his country. Then the editorial closes in this way:

Still, in the emotionalism of the moment, many of us haven't quite got our approach to AIDS right. Magic Johnson's plight does not mean more tax dollars need be spent. Nor does it follow that what passes for "safe sex"—i.e., unusual sex practices "protected" by a thin layer of latex—will be safe; nor that more people should be encouraged to abandon the ancient taboos if sufficiently condomized.

Manfully, Magic Johnson announced that he would take the message of personal responsibility to his young fans.

The closing line, Mr. Speaker, is this:

That message is direct and compelling enough. His tragedy will be infinitely worsened if he buys into the trendy, politicized ideology of the AIDS lobby.

Mr. Speaker, that is well said. I submit the whole article for the record, as follows:

[From the Orange County Register, Nov. 11, 1991]

MAGIC'S MOMENT

The first thing to be said about Magic Johnson's awful news is this. The man has awesome poise, the sort of inspiring characteristic that automatically nominates him for Positive Thinking Poster Boy of the year. No self-pity here, not a dribble of it.

In an era that accentuates victimhood, even victimology, we cannot have enough of Magic's unerring self-responsibility.

It is a pity, a paradoxical pity, that we should feel such a lift from Earvin Johnson's demise both as a star basketball player and as a healthy human being. If there is any-

thing consoling about his situation it is that he gave us his refreshing honesty and positive attitude selflessly, much as he gave his teammates so many chances to score (indeed, a record number of assists) when he might well have dunked the ball himself.

Enough obit-like past tense. Magic Johnson commences a new life as a self-appointed spokesman for AIDS research and as, potentially, the owner of a professional basketball team himself. He might well even serve, it has been suggested, as coach of the US Olympic basketball squad. Magic's wonderful attitude virtually assures an exemplary life ahead.

The next thing to be remarked has to do with the culturally peculiar manner in which the news has been received. People frozen in front of TV screens as if it were Pearl Harbor II. The mayor of Los Angeles telling the world that Magic's HIV virus was the most devastating news since JFK's assassination. The orgy of bathos, much of it media-generated. The manifold leaps to illogical public-policy conclusions.

Why, we are even unable to tell our kids about Magic's ill-fortune, if you pay attention to our media brethren, unless we have guidance from university-trained psychologists. Just once we should like to hear one of those credentialed counselors telling us, "Get a grip! You don't need me."

To be sure, there is something perversely salutary in all this attention given, not to a political figure, but to an inspiring sports star. Too many Americans are overaddicted to the spectacles offered in our major cities' sports stadia, but that kind of habit is vastly less dangerous than the kind associated with politics, which is based on social coercion. That so many people love Magic Johnson, and do so voluntarily, proves the man's authenticity.

Still, in the emotionalism of the moment, many of us haven't quite got our approach to AIDS right. Magic Johnson's plight does not mean more tax dollars need be spent. Nor does it follow that what passes for "safe sex"—i.e., unusual sex practices "protected" by a thin layer of latex—will be safe; nor that more people should be encouraged to abandon the ancient taboos if sufficiently condomized.

Manfully, Magic Johnson announced that he would take the message of personal responsibility to his young fans. That message is direct and compelling enough. His tragedy will be infinitely worsened if he buys into the trendy, politicized ideology of the AIDS lobby.

ORDER OF BUSINESS

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that immediately following the special order of the gentleman from Virginia [Mr. BLILEY] that I be allowed to proceed with my special order.

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

There was no objection.

□ 1550

OCTOBER SURPRISE VERSUS REALITY: COME HOME, DEMOCRATS, TO YOUR OWN HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, I find it highly ironic that the same Democrats who are criticizing the President for successfully exercising his role as leader of the free world—these same Democrats—are now asking us to spend millions of dollars so they can chase decade-old rumors around the hotels of Paris, Madrid, and who knows where else?

And yet that is exactly what we are being asked to do in House Resolution 258 which would create a so-called October surprise task force to look into these wild allegations that the Reagan campaign in 1980, somehow cut a deal with the Iranians over American hostages in that country.

Last Thursday the Rules Committee reported that resolution after rejecting on party-line votes all of our Republican amendments to bring some sense of balance, fairness and reason to the inquiry. Not only did the majority reject our attempt to include the Carter administration's arms-for-hostages offer as part of the inquiry; it even turned down amendments to bring the task force under House rules and save money by sharing staff and information with the Senate counterpart inquiry.

In short, Mr. Speaker, the Democrats on the Rules Committee only confirmed rather than allayed our suspicions that this is nothing more than a partisan witch-hunt designed to coincide with the 1992 Presidential election.

Never mind, Mr. Speaker, that the Congressional Budget Office estimates that the House inquiry alone could cost \$2.5 million, and maybe more, just for the remainder of this Congress.

Our Democrat colleagues casually brush this aside by saying, "You can't put a price tag on the truth."

I would submit, Mr. Speaker, that since it is difficult, if not impossible to prove the negative, especially 11 years after the fact, the Democrats' elusive quest for the truth could take years to conduct at a cost of millions more to the American taxpayers. And even then, the task force's findings are likely to be inconclusive.

Let me suggest in the alternative, Mr. Speaker, to the globetrotting conspiracy buffs on the other side of the aisle, that you "Come home, Democrats, to your own House." Take a reality check and wake up to the reality of declining public confidence in this institution and the need to clean up this House so that it is better equipped to address the real problems and the real needs of this country.

Our same Democratic colleague who introduced the October surprise task force resolution, Mr. HAMILTON, at the behest of his leadership, has also introduced a far more sensible and necessary resolution (H. Con. Res. 192) with our Republican colleague from Ohio, Mr. GRADISON, to create a joint committee on congressional reform. A similar resolution has been introduced in the other body, again on a bipartisan basis, by Senators BOREN and DOMENICI.

There is no dearth of constructive congressional reform proposals pending for this joint committee to consider, including our own package of Republican House rules reforms offered on the first day of this Congress and since introduced as House Resolution 127 by

the gentleman from Oklahoma [Mr. EDWARDS], the chairman of the House Republican Policy Committee.

Unfortunately, all of these reform proposals have been languishing in the Rules Committee ever since with nary a hearing, let alone any action.

Mr. Speaker, the time has come for us to face the reality that this House is in shambles and badly in need of repair before it comes crashing down on us. Let's move now on this bipartisan proposal for a congressional reform committee before it is too late. Let's recognize reality instead of spending millions of dollars chasing conspiracy myths for partisan purposes.

At this point in the RECORD, Mr. Speaker, I ask unanimous consent to insert several matters relating to my remarks.

These include the CBO cost estimate of the October Surprise Task Force; articles on the current state of the Congress and the need for congressional reform from the Washington Post, the New York Times, and Roll Call; some remarks I made last Sunday before a GOP/AC panel on Republican reform proposals; and the "Republican Reform Manifesto for a New House Revolution" offered on the opening day of this Congress. The items follow:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 8, 1991.

Hon. JOHN JOSEPH MOAKLEY,
Chairman, Committee on Rules,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H. Res. 258, a resolution creating a task force of members of the Foreign Affairs Committee to investigate certain allegations concerning the holding of Americans as hostages by Iran in 1980, as ordered reported by the House Committee on Rules on November 7, 1991. We estimate that implementation of this resolution would cost between \$1.2 million and \$2.5 million, which would be paid from appropriated accounts over fiscal years 1992 and 1993. Of this amount, \$750,000 to \$1.5 million would be the cost of staff currently working elsewhere in the federal government that would be detailed to the task force. The remaining \$500,000 to \$1 million would be spent by the task force and would come from the funds that would otherwise be available for other House committee expenses. This resolution does not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

H. Res. 258 would create a task force to investigate the timing of the release of American hostages in Iran in 1980. The task force would be authorized to hold hearings, take depositions, conduct interviews, and request assistance of any federal agency. The chairman could hire the necessary staff to conduct the task force's operations. Finally, the resolution would authorize the expenses of the task force, including the procurement of services for consultants and training of staff, to be paid from the contingent fund of the House. The task force would have to provide an interim report by July 1, 1992, and would expire at the end of the 102nd Congress.

Because the nature and extent of the task force's work is still uncertain at this time, it is difficult to estimate its costs with any precision. One way to gauge the potential magnitude of the cost is to examine a recent temporary Congressional investigation with similar responsibilities—the House Select

Committee to Investigate Covert Arms Transactions with Iran—which operated in 1987 and 1988. Information from the select committee's report and from the Clerk of the House shows that the select committee has about 80 employees and spent a total of \$2.2 million over its life.

However, about half of the committee's staff consisted of personnel detailed from other committees, members' personal staffs, or federal agencies. The committee did not record costs for those employees because they continued to receive salaries from their original employers and either stopped working temporarily at their original agency or had to work more hours to provide services to the committee.

Based on information from the Committee on Foreign Affairs, which would set up the task force, it appears that the task force is unlikely to cost more than the House's Iran/Contra investigation. Preliminary indications are that the task force would require less staff—probably 10 to 20 detailed from other assignments, and perhaps 10 new employees requiring salaries that are not already being paid. If the task force produces information necessitating intensive investigation, personnel costs could increase. The magnitude of the cost would depend largely on whether the task force hires outside counsel, and whether such counsel receives a salary from the House or is paid by the hour. The task force's use of consultants also could increase costs. CBO estimates that the task force would spend between \$500,000 and \$1 million, mostly in fiscal year 1992. Some costs would be incurred in 1993 for finishing up the task force's work. In addition, the 10 to 20 employees detailed to the task force would represent another \$750,000 to \$1.5 million of resources applied to the task force's work rather than the work of the employing agency.

The task force would have to request its funds from the Committee on House Administration, which would allocate funds from amounts already appropriated for committee expenses of the House in 1992. The salaries of personnel detailed to the task force from other House offices and federal agencies would be paid from amounts already appropriated for 1992. In both cases, the expenses of the task force would represent a reallocation of funds that otherwise would have been spent on other activities in 1992 unless a supplemental appropriation is provided.

Enactment of this resolution would not affect the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is James Hearn, who can be reached at 226-2860.

Sincerely,

ROBERT F. HALE,

(For Robert D. Reischauer, Director).

[From the Washington Post, Nov. 10, 1991]

"NOW IS THE TIME FOR CHANGE" ON CAPITOL HILL—REFORM-MINDED MEMBERS OF CONGRESS SEE OPPORTUNITY IN CURRENT PUBLIC DISGUST WITH INSTITUTION

(By Guy Gugliotta)

For many senators and members of Congress, the scandals of autumn are merely the most obvious symptoms of a much deeper, and more serious, illness.

Congress, say would-be reformers, is in a state of semi-permanent gridlock: grossly overburdened and suffering from a proliferation of committees, an overpopulation of staff and a set of hallowed but outdated rules that waste enormous amounts of time.

They say the institution needs structural overhaul, and they hope their colleagues will create a proposed Joint Committee on the Reform of Congress to do the job.

Congressional leaders are warily eyeing the legislation, lukewarm about an idea that may add further turmoil to an already troubled atmosphere. But Rep. Lee H. Hamilton (D-Ind.), one of the chief advocates of reform, thinks turmoil is both inevitable and desirable: "There's no doubt a reform shakes up the institution. That's what we want to do."

The turmoil of the past six weeks has given the reformers an opening to push their cause as never before. First came the bounced-check scandal in the House, followed by reports of unpaid tabs in the members' dining room. A few days later, after the leak of an FBI report, the Senate subjected a Supreme Court nominee and his accuser to a hearing on sexual harassment that led to cries of outrage from nearly every quarter.

The public's opinion of Congress plunged. President Bush delivered a lengthy diatribe against what he called "a privileged class of rulers." This month, anti-incumbent and anti-establishment fever dominated the electorate, bestowing victory on virtually unknown Sen. Harris Wofford (D-Pa.) and bringing former Ku Klux Klansman David Duke within one step of the Louisiana governorship.

Scandals and public disillusionment, acknowledged reformer Rep. Willis D. Gradison Jr. (R-Ohio), have "absolutely nothing to do" with the type of structural change that he thinks Congress needs. But "to the extent that these other things focus attention on Congress, it is helpful and useful to us."

Adds David L. Boren (D-Okla.), the Senate's leading reformer: "Now is the time for change. The public is focused on it in a grass-roots way. The gunpowder was out there; this [the check-writing scandal and the sexual harassment hearing] was the match."

For the last three weeks, Boren, a third-term senator and former Oklahoma governor, has conducted twice-a-week "vigils" on the Senate floor delivering short speeches decrying the "cancer eating away at this institution" and demanding that "we . . . treat it now before it does damage that can never be repaired."

In the House, Hamilton recently joined 18 freshman members to demand reform. "I do not recall a time when Congress stood in lower public esteem than it does today," Hamilton said at a news conference. Reform may not fix everything, he added, "but we can do it better."

The reform movement began late last year when Boren asked Sen. Pete V. Domenici (R-N.M.) to cosponsor a resolution to create a joint Senate-House committee to look at the possibility of general overhaul.

Boren reached out to Hamilton, a close associate on foreign affairs issues, while Domenici spoke with Gradison, the ranking Republican member of the House Budget Committee, a position Domenici holds in the Senate.

In July the four men presented the resolution and outlined some of the problems they hoped the committee would address: congressional staff has grown from 2,000 to 12,000 since 1947, enough to populate a small town; the number of congressional committees and subcommittees has grown from 38 in 1947 to 301 today; the average length of bills has gone from four pages to 20 pages in the past 20 years; only 3 percent of bills introduced are ever enacted; the Senate spends 25 percent of its time calling the roll.

But there's much more. In a recent interview, Boren spoke of "repeat amendments" that resurface again and again and "red herring amendments" unrelated to the matter at hand that tie up Senate debate.

As he talked, Sen. Jesse Helms (R-N.C.) was on the Senate floor using most of an afternoon in a failed attempt to amend the Interior Department appropriations bill so the National Endowment for the Arts would not be allowed to fund projects that show "in a patently offensive way, sexual or excretory activities or organs." It was, according to Sen. Howard M. Metzenbaum (D-Ohio), the ninth time in two years Helms had offered the amendment.

It was also, as Boren pointed out, fully in keeping with ancient Senate prerogatives: any senator can try to amend almost any bill any way he or she wants to, and take whatever time possible to present the case.

All of the reformers speak of a work day fragmented into countless meetings in countless committees, subcommittees, caucuses and study groups. Boren once attended a Senate-House conference with participation from "eight to nine committees," with "70 to 80 people in the same room, and none of them had ever worked together."

Boren said senators are forced to rely on staff, "who are always more hardline than the senator because they have to protect their boss." He said he seldom can find time for substantive conversations with colleagues, and often finds himself asking "Who's your staffer on this?" or simply explaining himself directly to the staff member.

It is a world of overlapping jurisdictions, conflicting appointments and repeat appearances by the same witnesses at a half-dozen different committee hearings, none of which is particularly well attended because the panel members are running off to do something else.

Domenici, who joined Boren in the reform "vigil" last week, said he had as many as eight formal meetings each day, "plus New Mexicans who come up to visit, plus staffers who have been working on something and need 10 minutes . . . every one of us is a little [king] with tentacles reaching out to hundreds of people."

"The system," Domenici said, "is an invitation to do less of everything, because you are always doing something." The solution, he added, is for senators and members of Congress to shed committee assignments, shed staff and shed responsibilities.

This is something nobody will volunteer to do. Loss of assignments means loss of power, and power is what politicians are all about. "We all want everything we can get," Domenici said. "And we all think we can make the difference." It is no accident that freshmen make up such a high percentage of the House reformers—they have little to lose.

Boren and Domenici have gathered 16 cosponsors for the Senate resolution and have the informal blessing of Minority Leader Robert J. Dole (R-Kan.), Majority Leader George J. Mitchell (D-Maine) has commended the effort but has not reviewed the specifics.

Hamilton and Gradison are in similar shape in the House. They have 63 cosponsors but no enthusiasm from Speaker Thomas S. Foley (D-Wash.), who readily acknowledged the Senate's "serious problems" in scheduling and procedure, but thought the House "perhaps" and only "in [the] future" may have to review its own activities.

Committee reorganization, Foley warned, "takes great energy away from the substantive legislation."

Hamilton put a brave face on this put-down: "Reform is coming from the bottom up and the middle up," he said. Once more members join the movement, he said, "my guess is the leadership will respond."

Perhaps. But action soon is unlikely because the resolution is a product of the system that produced it—the resolution creates another committee, taking more time, more staff and more meetings.

From July to October the resolution languished, stuck in the queue behind other legislation. In the House, getting to the head of the line means persuading Foley, apparently an uphill battle.

In the Senate, the resolution must be reviewed by the Committee on Rules and Administration. Chairman Sen. Wendell H. Ford (D-Ky.), Boren said, is "very receptive" but very likely unable to get to it before the Thanksgiving recess.

This means the measure will not be discussed until 1992 and probably not enacted until the end of next year—if at all. The reform committee probably would not start work until the next Congress, in 1993.

Meanwhile, Boren says, Congress-bashing will not dissipate: "Members are fooling themselves if they think it's going to go away."

[From Roll Call, Nov. 11, 1991]

CONGRESSIONAL REFORM RANKS KEEP ON SWELLING—LATEST TO JOIN: REPUBLICAN SENATOR DAN COATS, WHO FACES TOUGH RE-ELECTION BATTLE IN INDIANA IN 1992

(By Craig Winneker)

In the latest in a series of reform proposals offered by Members in the wake of harsh public criticism of Congress, first term Sen. Dan Coats (R-Ind.) on Thursday introduced legislation that would eliminate the Senate Ethics Committee, set 12-year term limits, and bring Congress under the laws it imposes on others.

Coats also introduced a measure that would require pay raise votes to be considered as separate legislation.

"Congress is rapidly losing the confidence of the American people," Coats, who is running for re-election next year, said at a press conference in the Capitol. "They see an institution can't be trusted to govern itself, and therefore doubt whether it can govern the nation."

Coats said he had not yet lined up any support from other Senators for his proposals.

Specifically, Coats's legislation would require that:

The Senate Ethics Committee would be replaced by an independent counsel. Administrative functions of the Ethics Committee, such as handling of financial disclosure reports and mailing regulations, would be transferred to the Senate Rules Committee.

Disciplinary functions would be handled by an independent commission made up of two judges, two retired Senators, and four prominent citizens appointed equally by the Majority and Minority Leaders.

The commission would act as a grand jury to determine if further investigation is warranted, in which case the independent counsel would be appointed. The independent counsel would report findings to the full Senate, and every Senator would have the right to bring up a report for action.

Pay raise votes would be held in the "light of day" and be considered as freestanding legislation. All Congressional pay legislation would have to be held at the desk for a period of at least seven days. (Actually, it's doubtful that the Coats bill will have any significant effect since current law provides

for cost-of-living adjustment already, and it's doubtful the Senate will ever again seek to raise its own pay beyond the COLA.)

Congressional tenure would be limited to two full six-year terms for Senators, and six full two-year terms of Representatives. (Many other Members have introduced similar bills over the years.)

Congress would be subject to the Civil Rights Act of 1964; Americans with Disabilities Act of 1990; Age Discrimination in Employment Act of 1967; Rehabilitation Act of 1973; National Labor Relations Act; Fair Labor Standards Act; Equal Pay Act of 1963; Occupational Safety and Health Act of 1970; Privacy Act of 1974; and the Ethics in Government Act of 1978.

The strictures of many of these laws already apply to Congress, but the enforcement mechanism is internal, rather than involving the executive and judiciary. The Senate recently voted to allow its employees to take civil rights complaints to a federal appeals court.

Coats, who was appointed to the Senate in 1989 to replace Vice President Dan Quayle, won an election last year to fill the remainder of Quayle's term, which expires in 1992. Coats claims his reform proposals are not designed to enhance his 1992 re-election effort.

The Indiana Senator joins a chorus of calls for reform, including proposals by Sens. David Boren (D-Okla.) and Pete Domenici (R-NM) and Reps. Lee Hamilton (D-Ind.) and Willis Gradison (R-Ohio) to create a Joint Committee on the Organization of Congress, to look at the proliferation of staff and committees.

The Committee on Congress proposal now has 26 co-sponsors in the Senate and more than 100 in the House, according to Boren, who has been making frequent speeches on the Senate floor to push for reform. Coats said he had not signed onto the Committee on Congress resolution.

SOME REFORMERS AND THE REFORMS THEY PROPOSE

Boren, Domenici, Hamilton, Gradison: Create a Committee on Congress to study scheduling and possible reductions in staff, committees, and complexity of legislation.

Kerrey: Reduce number of committees and subcommittees by 75 percent, reduce staff by 30 percent.

Grassley: Create Senate Office of Fair Employment Practices, bring Senate under provisions of civil rights laws, with employees able to appeal to courts.

Riggs: Bring House under provisions of civil rights laws, with employees able to appeal to courts.

Dannemeyer: Ditto, plus privacy, Freedom of Information, Social Security, and labor laws.

Crane, et al.: Study (and presumably eliminate) media perks, like parking privileges, subsidized meals in cafeteria, office space, computers, and so on.

Nussle: Impose term limits on Members; eliminate Congressional frank; dock Members' pay for every day Congress is in session past Sept. 30; get rid of Members' gym, parking lot at National Airport, barber and beauty shops, health insurance, and free prescription drugs.

Kassebaum: Replace Budget Committee with panel composed of leadership and other top committee chairs, set new guidelines for authorization and appropriation of funds, adopt two-year budget cycle.

[From the New York Times, Nov. 10, 1991]

AN INSTITUTION UNDER DURESS—CONGRESS'S COMMITTEES STUMBLE, AND CHANGE

(By Adam Clymer)

WASHINGTON, Nov. 9.—It has been a tough few weeks for Congressional committees.

First, the Senate Judiciary Committee's hearings on Judge Clarence Thomas provided material for late-night comedians. These, two major, complicated bills—energy in the Senate and banking in the House—suffered embarrassing defeats on the floor.

And for the last two weeks, the House Ways and Means Committee has been struggling to steer to the floor a bill on extended unemployment benefits that can pass. Members' technical wrangling has failed so far, even though there is something very close to a bipartisan consensus that the time has come to stop arguing and scoring political points and find a way to send checks to the jobless.

The first three problems produced complaints that the committees were falling the Congress. Republicans complained bitterly about the banking bill that the Rules Committee put before the House, and then they helped to kill it. Environmentalists assailed the Arctic drilling provisions in the energy bill that they successfully filibustered. Almost everybody complained at one point or another about the Thomas hearings.

And while Ways and Means has escaped much public criticism over the delays on the unemployment measure, that is probably because the differences among party leaders, the two Houses of Congress and the Bush Administration are at least as much at fault and more prominent.

DEFENSE OF THE SYSTEM

Democratic leaders insist that these difficulties do not represent a pattern. Asked about the problems with the energy bill and the Thomas hearings, Senator George J. Mitchell of Maine, the majority leader, said they were just a pair of exceptions. "It's as if a pitcher gave up two home runs and struck out the other 27 batters and you said he pitched a bad game," he said.

Representative Richard A. Gephardt of Missouri, the House Democratic leader, argued that Congress was simply "not a place where it is simple to get clear, crisp, clean solutions."

It seems less simple than it used to be. Committees and their bills are treated with less deference on the floor than in the past. Junior members now act as if their votes and opinions count for as much as those of elderly chairmen. Representative Barney Frank, Democrat of Massachusetts, said that was nothing for the Congress to apologize for; "people want their members to be more independent," he said.

But sometimes the independence suggests fragmentation, or "a series of independent baronies," in the view of Representative Newt Gingrich of Georgia, the House Republican whip. He also complained that as committee members stay with an issue for years and become expert on it they lose touch with their colleagues and even the country and "start talking about some arcane thing as if it was real."

RIISING USE OF FILIBUSTER

The Senate has to contend with another institutional change that makes a committee's task of forging a coalition much harder than it once was. The increased use of filibuster means it takes 60 votes—the number required to shut off debate—even to take up a controversial issue. Once reserved for matters of fundamental principle, the filibuster

is now a routine tool of legislative harassment.

Divided government is another hurdle for committees. They must either shape policies so President Bush will agree with them, or find the two-thirds majorities needed to override a Presidential veto. Since he became President in 1989, all of Mr. Bush's vetoes have been upheld.

BYPASSING COMMITTEES

Committees were given no chance to fail when it came to the two biggest legislative issues of the year. They had little to do with the vote to go to war over Kuwait and the compromise civil rights bill. The first was played out on the floor; the second was negotiated in Capitol offices.

To Thomas E. Mann, a Congressional scholar at the Brookings Institution, a research organization, decisions like that are not a reflection of committees but a realistic understanding of their limitations. "There are times when they simply can't manage enormous political conflicts," he said.

But, Mr. Mann added, he has less sympathy when different kinds of sensitivities, approaching political panic, led the Senate to rewrite its procedures for protecting its employees from discrimination and allow them to go to court.

The Senate should have sent the issue to its Rules Committee to examine the scope of the problem and consider how to solve it, he said. But as Senator Warren B. Rudman, Republican of New Hampshire, complained, "the frightened may prevail," and the political imperatives created by the Thomas hearings would not allow anything but a quick vote on the floor.

The war, the civil rights bill and the treatment of Senate staff remain an exception, though. There are more checks on committee influence than there used to be, of course, but as Woodrow Wilson wrote in 1885, "It is not far from the truth to say that Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work."

A REPUBLICAN REFORM MANIFESTO FOR A NEW HOUSE

THE DEMOCRAT HOUSE

The main problem with the House today is that it has been under the control of the same party, the Democrats, for 56 of the last 60 years.

And it is the tendency for any institution that is under the control of the same people for an extended period to become a bloated and muscle-bound bureaucracy that loses sight of its real mission and loses touch with those it is supposed to serve.

That description fits the House perfectly today. While the number of standing legislative committees has remained relatively constant over the years and now stands at 22, the number of subcommittees has risen from 136 to 158 over the last 20 years, and the number of committee and subcommittee staff has risen from 738 to 2,100 over that same period—a 186% increase!

And yet, despite that great increase in subcommittees and staff, the last Congress produced 44% fewer laws than the 91st Congress 20 years ago. Perhaps we should be grateful for that fact!

But what all this points to is that we long ago reach a point of diminishing returns. One of the reasons there is less legislative output is that ever since 1974, the same bill can be referred to a multiplicity of committees—two, three, six or more. In other words, we are spending our time duplicating the ef-

forts of others, spinning our wheels, working at cross purposes.

The House today is a jumble of tangled jurisdictions and turf fights where House turf has become more important than the home turf Members are supposed to be representing.

And to make matters worse, the Democrat leadership, in trying to bring order out of this chaos, is engaging in the most blatant arrogance of power and dictatorship by increasingly limiting the rights of Members to offer amendments to bills.

Back in 1977, only 15% of the bills brought under special rules restricted the amendment process. Today, that percentage is around 55%. That means that on only 45% of the major bills brought before the House does your Representative have the full and free right to represent you! In the majority of major bills, that right is severely limited by the Democrat leadership, acting through its Democrat lieutenants on the Rules Committee.

This has gotten so bad that just last week, the chairman of the Rules Committee announced on the House floor that from now until this session adjourns, all legislation will be considered under a restrictive amendment process. I have termed this, "Gagging your way to Turkey Day."

THE REPUBLICAN HOUSE

How will Republicans change all this when we take control of the House in 1993? How will we make the House more stream-lined, efficient and effective, yet at the same time more open, accountable and truly representative?

We have laid out our agenda for House reform over the last two decades and presented it as a new set of House Rules at the beginning of each Congress. The Democrats, in their arrogant way, have confined consideration of our package and theirs to just one-hour, without even the opportunity for amending their package. The one procedural vote we have on opening their resolution to amendment always goes down to defeat on a straight party-line vote.

Here's what we would do:

We would change committee jurisdictions to eliminate duplication;

We would eliminate the referral of bills to more than one committee;

We would limit all committees except appropriations to no more than six subcommittees, resulting in about a 30% reduction;

We would reduce committee staffs by 30% over the next three Congresses;

We would eliminate proxy-voting and one-third quorums so Members would be required to be present in voting on amendments in committees;

We would limit all Members to a total of no more than four subcommittee assignments so that they would not be spread so thinly and could be more conscientious and accountable for their legislative assignments; and

We would require that record votes on reporting measures from committees be printed in the committee reports so that the public will know how their Representatives voted at this vital stage of the legislation.

These are just a few of the detailed 36-point package of House reforms we have recommended.

Others go to the important areas of the budget process, authorizations and appropriations reforms, oversight of Federal agencies and programs, and floor scheduling and consideration of legislation. We would, for instance, be committed to restoring an open amendment process for most, if not all, legislation.

In summary, I think Republicans are eager and prepared to take the reins in the House and restore it as the people's body, and eliminate the bureaucracy and arrogance that has marked the House for a good part of this century.

A REPUBLICAN REFORM MANIFESTO FOR NEW HOUSE REVOLUTION: HIGHLIGHTS OF RECOMMENDATIONS

(Republican House Rules Substitute, 102d Congress)

CAMPAIGN REFORM

The House Administration Committee would be directed to report a campaign reform bill no later than June 30, 1991, other committees no later than July 31st, and the Rules Committee would be required to report an open rule on the package no later than three legislative days after the latter deadline. If a rule is not reported, the package would be privileged for consideration on any day thereafter.

COMMITTEE REFORMS

The Rules Committee would be required to report recommendations no later than Dec. 31, 1991, to realign House committee jurisdictions along more rational and functional lines.

The joint referral of bills to more than one committee would be abolished (while retaining sequential and split referrals).

Committees (other than Appropriations) would be limited to no more than six subcommittees, and Members to no more than four subcommittee assignments.

Proxy voting and one-third quorums would be abolished;

Party ratios on committees must reflect the party ratio of the House.

Committee staff ceilings would be established and committee staff would be reduced by 10% from previous Congress.

Committees would be required to adopt oversight agendas at the beginning of a Congress and report on implementation of the agenda at the end of each Congress.

Roll call votes on reporting bills would be required in committee reports.

Foreign travel reports by Members and staff must include listing of official functions by country and date in addition to expense reporting, and made available for public inspection.

HOUSE ORGANIZATION, SCHEDULING AND FLOOR ACTION

Committees must be elected within seven legislative days of a new Congress and hold organizational meetings not later than three legislative days after their election.

The Speaker would be required to announce a legislative schedule at the beginning of each session including target dates for major legislation and move to more five-day work weeks.

Authorization bills must be reported by May 15th prior to the beginning of the fiscal year in which they are to take effect.

New limits would be placed on the consideration of bills under suspension of the rules and on the consideration of commemorative legislation.

Strict new limits would be placed on special rules from the Rules Committee relating to amendment restrictions, budget and blanket waivers, and self-executing rules, and the right to recommit bills with instructions would be guaranteed.

The names of Members signing discharge petitions would be made public after 100 signatures had been secured.

BUDGETARY REFORMS

The Committees on Rules and Government Operations would be required to report legis-

lation by May 31, 1991, giving the President special rescission authority (subject to congressional disapproval) over appropriated items for which authorizing legislation has not been enacted.

The Rules Committee would be required to report by Dec. 31, 1991, its recommendations on the feasibility and advisability of converting to a biennial budget-appropriations process, with multi-year authorizations.

Automatic rollcall votes would be required in the House on the final passage of all appropriations, tax and pay raise bills and conference reports, and on the final adoption of budget resolutions and conference reports containing debt limit increases.

Limitation amendments would be permitted on appropriations bills.

Short-term continuing appropriations bills would be subject to the lesser of the House or Senate passed bills or the previous year's appropriations.

Any long-term continuing appropriations would be required to contain the full text of all matters being enacted and would be subject to the same points of order as regular appropriations bills regarding unauthorized and legislative provisions, subject to waiver only by a three-fifths vote.

Extraneous matters in reconciliation bills would be subject to deletion by points of order.

A REPUBLICAN REFORM MANIFESTO FOR A NEW HOUSE REVOLUTION

(Republican Conference House Rules Amendments, 102d Congress)

A House divided against itself cannot stand.—A. Lincoln.

INTRODUCTION

Nothing was more clear to the American people in the final chaotic weeks of the 101st Congress than that their system of government had broken down and was in need of a complete overhaul.

While some attribute this governmental breakdown to the divided party control of the Presidency and Congress, the main sources of paralysis can be found within the Congress itself. The Democrats' control of the House for 56 of the last 60 years has produced a bloated and muscle-bound bureaucracy characterized by a multiplicity of 158 semi-autonomous subcommittees with overlapping and tangled jurisdictions, competing interests and fierce turf fights.

Democratic leadership attempts to cut-through or circumvent this muddled maze by resort to ad hoc task forces and restrictive amendment procedures often compound the problem by moving the legislative process to smoke-filled back rooms—far from the public eye and even majority membership participation.

A direct result of this decline in the committee system is the bankruptcy of the congressional budget, authorization, and appropriation processes. Missed budget deadlines and deficit targets, the failure to consider authorization bills in a timely manner (if at all), and the increased use of appropriations and reconciliation measures for authorization purposes all contribute to this confused blur of authority, accountability and openness.

The disintegration of a deliberative legislative, budgetary and oversight process exacerbates internal divisions within the leadership and committees. This spectacle of disarray, in turn, accelerates the erosion of public confidence in Congress.

With public policy-making beyond the influence of most Members it's little wonder

they are consumed instead by constituent concerns and reelection efforts. If the House had been successful at anything, it is getting its Members reelected—well over a 95% return rate in recent years. At one time it was asserted that the first job of a congressman was to get reelected. Now it seems to be the exclusive occupation of many Members.

All this has not been lost on the American people, 73% of whom express disapproval for the job Congress is doing. This mood of discontent is a growing tide that will not recede until Congress gets serious about reforming itself and its campaign practices.

This House divided against itself cannot stand unless it immediately undertakes a radical renovation effort. To this end the House Republican Conference pledges itself in this "Republican Reform Manifesto for a New House Revolution."

THE COMMITTEE SYSTEM

Congressional committees have existed from the First Congress as agents of the House in fashioning legislation and conducting investigations. Woodrow Wilson, in his 1885 treatise *Congressional Government*, wrote that, "Congress in session is Congress on public exhibition, whilst Congress in its committee rooms is Congress at work." Congressional committees truly are the workshops of the national legislature in which the details of legislation are hammered-out on the anvil of compromise.

And yet, in recent years, the House committee system has deteriorated, and the quality of legislation and oversight has suffered accordingly. The reasons for this decline of the committee system are fairly evident. While the reforms of the seventies to make committee chairmen more accountable to their party caucuses have been laudable in intent, their effect has been to foster a proliferation of semi-autonomous subcommittees.

With this explosion of subcommittees and staff, Members have been saddled with more subcommittee assignments, making it nearly impossible to conscientiously perform any assignment. Committees and subcommittees have attempted to counter poor attendance with rules that permit business to be conducted with only one-third of the Members present and the liberal use of proxy votes. This phantom legislating has produced legislation that is less representative and well conceived than if more Members had actually been present.

Compounding the problem of legislative accountability is the practice of referring legislation to more than one committee. The House approved this procedure in 1974 but rejected an attempt to rationalize committee jurisdictions. The result has been a maze of tangled lines of responsibility among 22 committees and 158 subcommittees that is strangling the legislative process.

The authorizing committees are also falling prey to budgetary squeeze-out—sandwiched in time as they are between the adoption of a budget resolution and the beginning of appropriations process. With less and less time in which to enact authorizations, fewer authorizations are being properly considered if at all. In fiscal year 1990, for instance, \$55.5 billion was appropriated for 49 program which had not been reauthorized.

In an attempt to bring some order out of this committee chaos, the majority leadership has resorted to a variety of devices that have rendered authorizing committees nearly obsolete. These include devising special rules making an order authorizing language not considered at the committee level and even appointing ad hoc leadership task

forces to draft bills in secret, away from public committee hearings and meetings. Unreported authorizations are also leaked onto such omnibus bills as reconciliation, appropriations measures and even debt limit measures. It is not unusual for Members to have no report or information on such entire bills which have been developed outside the regular committee process. In summary, committees are becoming less and less relevant to the legislative process.

THE FLOOR SITUATION

Given the shambles in which the House committee system finds itself today, it perhaps should not seem surprising that automatic procedures are increasingly being used in an attempt to restore a measure of "efficiency" to the House. Unfortunately, "efficiency" has become a euphemism for political expediency and advantage, and has again come at the expense of deliberation and representation.

Whereas only 15% of the bills coming through the Rules Committee 12 years ago were brought to the floor under "restrictive rules" which limit the amendments Members may offer, this percentage has increased with each succeeding Congress until it stands at 55% today. Just as the American people have been disenfranchised at the committee level with phantom legislative devices, they are being silenced on the House floor as well by such "gag" rules.

To further limit the amendment process, the majority leadership has increasingly been restricting the minority party's right since 1909 to recommit a bill with instructions in the form of a final amendment. Whereas a decade ago this right was limited less than 4% of the time, in the 101st Congress it has been circumscribed on 20% of the bills brought through the Rules Committee.

Another way to avoid proper deliberation, amendments, and votes is the "suspension of the rules" procedure. Under this device bills can be brought-up without being reported from committee, are subject to only 40-minutes of debate, cannot be amended, and must receive a two-thirds vote to pass. Votes on suspension bills can be "clustered" on the day after the bills were actually debated. Whereas just a decade ago only around 37% of the measures passed by the House were considered under the suspension of rules procedure, today the number of suspension bills passed comprises nearly 50% of all bills passed.

If the American people watching the House in action from the visitors' galleries or on TV are confused by all these goings on, they aren't too far removed from their own Representatives who must often scramble to find out what it is they are voting on.

If, as Wilson observed, the "Congress in session is Congress on public exhibition," then today it is a poor exhibition of the representative and deliberative democracy the Founders intended. Much of this is traceable to the breakdown in the committee workshops. But the floor devices used to compensate for this breakdown have only made things worse both in terms of representation and the quality of legislation.

CONCLUSION

The paradox of the modern House is that while its Members are, by all measures, smarter, more dedicated and harder working than their predecessors, the House as a whole does not begin to equal the sum of its parts. The reason is easy to discern in the way the House is organized, or, more accurately, disorganized to promote the interests of its individual components—Members and

subcommittees, over institutional and national interests. It is therefore little wonder that while 57% of the American people may approve of their own congressman, only 23% approve of the job the Congress is doing.

A REPUBLICAN REFORM MANIFESTO FOR A NEW HOUSE REVOLUTION

(A Summary of the Republican House Rules Substitute for H. Res. 5, 102nd Congress, January 3, 1991)

The rules of the House of the 101st Congress would be adopted as the rules of the 102nd Congress with the following amendments:

(1) Campaign Reform.—The House Administration Committee would be directed to adopt a campaign reform bill no later than June 30, 1991, other committees no later than July 31, 1991, and the Rules Committee would be directed to bring the bill to the floor under an open amendment process not later than three legislative days thereafter.

(2) Committee Jurisdiction Realignment.—The Rules Committee would be directed to study and report not later than Dec. 31, 1991, recommendations for realigning committee jurisdictions along more rational and functional lines to eliminate duplication, overlap and inefficiencies in the present system.

(3) Veto Message.—Immediately after the reading of a veto message, the Speaker would be required to state the question on the reconsideration of the vetoed bill, without intervening motion, thereby giving the House a chance to vote immediately on overriding the veto.

(4) Broadcast Coverage.—The Speaker would be required to provide uniform visual broadcast coverage of the House throughout the day which could include periodic views of the entire Chamber if they do not detract from the person speaking.

(5) House Scheduling Reform.—The Speaker would be required at the beginning of each session to announce a legislative program for the session that would include target dates for the consideration of major legislation, weeks in which the House would be in session (with full, five-day work weeks assumed unless otherwise indicated), district work periods, and the target date for adjournment. The Speaker would also be required to consult with the minority leader in developing each week's legislative program.

(6) Oversight Reform.—Committees would be required to formally adopt and submit to the House Administration Committee by March 1st of the first session their oversight plans for that Congress. It would not be in order to consider the funding resolution for any committee which does not submit its oversight plans as required. The House Administration Committee, after consultation with the majority and minority leaders, would report the plans to the House by March 15th together with its recommendations, and those of the joint leadership group to assure coordination between committees. The Speaker would be authorized to appoint ad hoc oversight committees for specific tasks from the membership of committees with shared jurisdiction. Committees would be required to include an oversight section in their final activity report at the end of a Congress.

(7) Multiple Referrals of Legislation.—The joint referral of bills to two or more committees would be abolished, while split and sequential referrals would be retained, subject to time limits and designation by the Speaker of a committee of principal jurisdictions.

(8) Early Committee Organization.—Committees must be elected within seven legisla-

tive days of the convening of a new Congress and must hold their organization meeting not later than three legislative days after their election.

(9) Committee Ratios.—The party ratios on committees would be required to reflect that of the full House (except for the Standards Committee which is bipartisan). The requirement would extend to select and conference committees as well.

(10) Subcommittee Limits.—No committee (except Appropriations) could have more than six subcommittees, and no Member could have more than four subcommittee assignments.

(11) Proxy Voting Ban.—All proxy voting on committees would be prohibited.

(12) Open Committee Meetings.—Committee meetings, which can now be closed for any reason, could only be closed for national security, personal privacy or personnel reasons.

(13) Majority Quorums.—A majority of the membership of a committee would be required for the transaction of any business.

(14) Report Accountability.—Committee reports on bills would be required to include the names of those members voting for and against reporting a bill or, in the case of a nonrecord vote, the names of those members actually present when the bill is ordered reported.

(15) Committee Documents.—Any committee prints or documents to be made available to the public which have not been approved by the committee must contain a disclaimer to that effect on their cover, may not contain the names of committee members other than the chairman authorizing the printing, and may not be made public until at least three days after they have been circulated to committee members.

(16) Foreign Travel Reports.—All Members and staff taking part in foreign travel at House expense would be required to disclose their official itinerary (including meetings, interviews, functions, inspections) by country and date in addition to currently required expense disclosure, and such reports would be available for public inspection in the offices of each committee not later than 60-days after the completion of travel.

(17) Same Day Consideration of Rules Committee Reports.—An order of business resolution from the Committee on Rules could not be considered on the same calendar day as reported, or the subsequent calendar day of the same legislation day, except by a two-thirds vote of the House.

(18) Permitting Instruction in Motion to Recommit.—The Rules Committee could not report an order of business resolution which prevented a motion to recommit, including one with amendatory instructions.

(19) Restrictive Rule Limitation.—It would not be in order to consider any order of business resolution from the Rules Committee restricting the right of Members to offer germane amendments unless the chairman of the Committee orally announces to the House, at least four legislative days before the Rules Committee meeting on the matter, that less than an open rule might be recommended by the committee.

(20) Limitation on Self-Executing Rules.—It would not be in order to consider any order of business resolution from the Rules Committee that provides for the automatic passage of any bill, joint resolution or conference report, or adoption of any motion, amendment, or resolution, except by a two-thirds House vote on agreeing to such consideration.

(21) Budget Waivers.—Any report from the Committee on Rules on a resolution waiving

any provisions of the Budget Act against any bill would be required to include an explanation and justification of the waiver together with a summary or text of any comments received from the Budget Committee regarding the waiver. A separate vote could be demanded on any such waiver in a rule, subject to requisite votes required by the Budget Act for such a waiver. Blanket waiver rules would require a two-thirds vote for consideration.

(22) Committee Staffing.—Committee funding resolution could not be considered until the House has first adopted a resolution from the House Administration Committee setting an overall limit on committee staffing for the session. The minority would be entitled to up to one-third of the investigative staff funds, on request. The overall committee staff limit for the 102nd Congress could not be more than 90% of the total at the end of the 101st Congress.

(23) Commemorative Calendar.—A Commemorative Calendar would be created on which unreported commemoratives would be placed at the written request of the chairman and ranking minority member of the Post Office Committee. The Calendar would be called twice a month and any two objections would cause a commemorative to be removed from the Calendar.

(24) Automatic Roll Call Votes.—Automatic roll call votes would be required on final passage of appropriations, tax and Member pay raise bills and conference reports, and on final adoption of budget resolutions and conference reports containing debt limit increases.

(25) Appropriation Reforms.—The present restrictions on offering limitation amendments to appropriations bills would be abolished. Short-term continuing appropriations (30-days or less) could only provide for the lesser spending amounts and more restrictive authority as provided in either the House or Senate passed bills, the conference agreement, or the previous year's Act, and a three-fifths House vote would be required to waive this requirement. Long-term continuing appropriations measures (more than 30-days) would be required to contain the full text of the provisions to be enacted; the present prohibition on legislative language and unauthorized matters in appropriations measures would be extended to long-term CRs. Points of order and amendments to provisions in long-term CRs not previously agreed to by the House could only be denied by a three-fifths vote. Cost estimates would be required in reports on long-term CRs. Reports on all general appropriations bills, including long-term CRs would be required to include not only a listing of legislative provisions contained in the measures (as presently required), but of all unauthorized activities being funded by the measure.

(26) Reconciliation Limitation.—It would not be in order to report in a reconciliation bill, or consider as an amendment thereto, a provision which is not related to a committee's reconciliation institutions to either reduce spending or raise revenues. Determination would be made by the Budget Committee.

(27) Authorization Reporting Deadline.—It would not be in order to consider any bill authorizing budget authority for a fiscal year if reported after May 15 preceding the beginning of the fiscal year (former Budget Act requirement).

(28) Pledge of Allegiance.—The Pledge of Allegiance would be required as the third order of business each day.

(29) Suspension of the Rules.—Measures could not be considered under the suspension

of the rules procedure except by direction of the committee(s) of jurisdiction or on the request of the chairman and ranking minority member of such committee(s). No measure could be considered under suspension which authorizes or appropriates more than \$50 million for any fiscal year. Notice of any suspension must be placed in the CONGRESSIONAL RECORD at least one day in advance of its consideration together with the text of any amendment to be offered to it. No constitutional amendment could be considered under suspension.

(30) Discharge Motions.—The Clerk of the House would be required to publish in the CONGRESSIONAL RECORD the names of those Members signing a discharge petition once a threshold of 100 signatures has been reached, and to publish an updated list of names at the end of each succeeding week.

(31) Inclusion of Views With Conference Reports.—Members of conference committees would be permitted three calendar days in which to file supplemental, minority, or additional views to be published with conference reports.

(32) Intelligence Committee Oath.—Members and staff of the Select Committee on Intelligence would be required to take an oath that they will not directly or indirectly disclose to any unauthorized person any classified information received in the course of their duties except by the approval of the committee or of the House.

(33) Accuracy of CONGRESSIONAL RECORD.—A new rule would be added to include the recommendations of the bipartisan Task Force on the Congressional Record of the House Administration Committee in the 101st Congress. The rule would require that the Record be a verbatim account of proceedings subject only to technical, grammatical or typographical corrections by the Member speaking. Unparliamentary remarks could only be deleted from the Record by unanimous consent or order of the House. Violations of the rule would be subject to the authority of the Committee on Standards of Official Conduct.

(34) Special Rescission Authority.—The Committees on Rules and Government Operations would be directed to report by May 30, 1991, legislation giving the President authority to rescind budget authority for which an authorization has not been enacted, unless Congress enacts a joint resolution disapproving the rescission within 45 days. If the committees do not report, automatic discharge of the first such bill introduced is provided.

(35) Biennial Budget-Appropriations Process.—The Rules Committee would be required to study and report its recommendations no later than Dec. 31, 1991, on the advisability and feasibility of converting to a biennial budget/appropriations process, together with multi-year authorizations.

(36) Applicability of Certain Laws of Congress.—The appropriate committees of Congress would be required to report, not later than June 30, 1991, legislation applying certain Federal health, safety, labor and civil rights laws to Congress. Automatic discharge is provided for the first such comprehensive bill if they do not all report.

DEVRY INSTITUTE OF CHICAGO CELEBRATES ITS 60TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, during the week of December 8, students, staffers, and friends of the DeVry Institute of Technology in Chicago will celebrate the 60th birthday of that institution.

We in Congress regularly hear about the problems facing our schools and colleges. It is said that too often they fail to prepare young men and women for the high-technology jobs that are so vital to maintaining our competitiveness in world markets.

I'm happy to say that the DeVry Institute, located at 3300 North Campbell Avenue, now offers an outstanding program of technical training in electronics and other fields. Herman DeVry, who founded the Institute in 1931, instilled his own creative impulse as the driving force behind the school. Mr. DeVry is remembered as the Father of Visual Education for his work as an inventor and manufacturer of motion picture projecting equipment.

Today, the nearly 3,260 students enrolled at the DeVry Institute are the heirs of Mr. DeVry's legacy. These people are preparing themselves for careers in fields such as electronics, computer science, accounting and business management. They are working to complete bachelor's or associate degree programs tailored to the needs of today's employers. DeVry Institute classes feature an ideal mix of hands-on training and classroom study.

The programs offered by the DeVry Institute are fully accredited by the North Central Association and the Accreditation Board for Engineering & Technology. Many DeVry students attend night classes, which give unskilled workers an opportunity to improve themselves and their communities.

The challenge of maintaining the high standards of the DeVry Institute increases yearly as the pace of technological change continues its advance. That's why I'm glad Chicago's DeVry Institute has reliable leaders such as Board Chairman Dennis Keller, President E. Arthur Stunard and Ron Taylor, the president of DeVry, Inc. Prof. Susann V. Kyriazopoulos deserves a special thank you for chairing the institute's 60th anniversary committee in addition to her regular duties. Like other members of the DeVry Institute's dedicated faculty, Professor Kyriazopoulos is helping her students to keep pace with new technologies.

Finally, as the students and staffers of the DeVry Institute of Technology look to the future, I want to offer my congratulations on the many successes they have achieved over the past 60 years. I look forward to the many triumphs to come.

NOTRE DAME'S 150TH ANNIVERSARY

The SPEAKER pro tempore (Mr. COOPER). Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER], is recognized for 60 minutes.

Mr. ROEMER. Mr. Speaker, it is with a great deal of pride that I come to the floor today. On September 7, 1991, this day marked the start of a 12-month observance of the 150th anniversary of the founding of the University of Notre Dame. With this in mind, as a Representative of the Third District of In-

diana where Notre Dame is located, and as a graduate of Notre Dame's graduate school, and hopefully reflecting many of the connections to Notre Dame, I thought it would be important to come to the floor and talk about this 150 years that Notre Dame is celebrating.

Not only do I have the connection to the University of Notre Dame of graduate school, but my great-grandfather attended a grade school at the university, my grandfather taught at the university, and my mom and dad now currently work at the University of Notre Dame.

I have a great deal of respect and admiration for this university, and am excited to do this special order. I have asked for some of my colleagues, both graduates of the University of Notre Dame as well as people that have and share that same respect, to join me today in commending the university's accomplishments over these 150 years.

Some of my colleagues will join me today on the floor of the House. Others, such as Speaker FOLEY, will join me by submitting a statement. Some Members such as LEE HAMILTON, the dean of the Indiana delegation, will also be submitting a statement joining in recognizing the university's accomplishments to this country and to the world over this 150 years.

Mr. Speaker, it has been said that the history of a place does not really begin in any one place. As I said before in my opening remarks, as a Representative from the Third District of Indiana representing Notre Dame, people often tell me of their visits to campus, to the famous grotto, to a football game, to the bookstore, to the library, to now what has opened as a commendation to Father Hesburgh, the president emeritus of Notre Dame, an International Center of Peace and Study of International Relations. But they also have a consistent theme and thread when they tell me about these experiences, Mr. Speaker, and that is an overwhelming sense of purpose connected with this place at Notre Dame.

People's impressions vary from having attended one of the greatest sporting events, although that is not what the university's greatest accomplishments are, to talking about research they have conducted on campus in a research laboratory, having taught at the university, or even encountered the unique and special spirit and dedication to academics of the student body, with this unique character, Mr. Speaker, in the student body of the University of Notre Dame.

Mr. Speaker, I will submit for the RECORD a speech concerning the founding of the University of Notre Dame. Let me read for one instance, Mr. Speaker.

The university's establishment coincided with the great opening of midwest railroads, canals, and with the immigration of many Catholics from across Europe.

The university's second and even greater advantage was the character and dedication of its founder, Father Edward Sorin, whose vision of a great American university has inspired Notre Dame's growth over its entire history.

Mr. Speaker, you can say from what history has said about the University of Notre Dame, about the confluence of different variables and people, spirit and dedication and innovation, and if you can say genius that came together to found this university, founded by the Congregation of the Holy Cross, it came together for many reasons. One of the reasons was an attempt in a special way to solve some of the problems through education, through involvement in the community with problems that we encounter as a people, problems in the community, of the State, of the Nation, people caring about other people, people caring about their future together.

The best way to reflect that, Mr. Speaker, is to read a passage from Father Hesburgh's recently completed book called "God, Country and Notre Dame," where he talks not only about the changes that we saw reflected back when Notre Dame was founded in the 1840's, but the changes that we can continue to see in the world. Let me read.

We are all seeing in amazement the vast changes now sweeping the Soviet Union and the Eastern European bloc of nations. For years Andrei Gromyko walked out of meetings every time the problem of human rights was raised in the Soviet Union. Now it is a top priority item on the agenda of reform in the Soviet Union. Last year the top legal establishment in Moscow asked me, Father Hesburgh, as a Catholic priest to give them a lecture in the conference room of the Soviet Central Committee on the provision for religious freedom in the first amendment to our Constitution.

He goes on:

Looking back over the years of my life, I can see clearly what we needed most and need now: faith, vision, courage, imagination, and ingenuity. Education should lift personal expectations, not debase them. Our universities can and should help in search of solutions to these problems. They can and should inspire students to participate in the great causes of our day. One person can make a difference, and no one knows what he or she is capable of until he or she tries.

Mr. Speaker, it is with this kind of commitment, this kind of faith in our young people, this kind of coming together to attempt to solve problems, that makes Notre Dame special and unique.

As I said, this university was founded by the congregation of the Holy Cross from Father Edward Sorin, now to Father Edward Monk Molloy.

□ 1600

Let me talk for a brief instant, before recognizing one of my colleagues, about a couple things that make Notre Dame unique to me, the ethics and values that are espoused by Notre Dame.

In a personal story, when I was at the university in graduate school and in

charge of one of the halls, Grace Hall, we were welcoming freshmen students onto the campus. It was one of the most hectic days that we encountered, and I was an assistant rector for 2½ years.

I remember greeting four freshmen, and they were all in the same room, one single room. And I remember a father of one of the young students came up to me and said to me, he said, "Tim, I want you to please step out of the room for a second and I want to tell you about my concern for my son."

And many people say that, and there was a special look in this father's eye, so I walked out of the room and went into the hallway. And he looked at me in the eye, about 2 feet away from me, directly into my eyes, and I will never forget it, and he said, "Tim, I want you to take good care of my son. He has been diagnosed with cancer. He wanted to spend his time here at Notre Dame. We are not sure how long he has to live."

This sense of the community, of commitment, of what Notre Dame might provide to this young boy, this young student, young man, was conveyed very, very strongly and emotionally from this father's words to me about what Notre Dame meant to this son and to the father.

Second, Mr. Speaker, the sense of service and voluntarism that Notre Dame is committed to. Over 2,000 students volunteer both in the local community and nationally every year through 30 different organizations. This sense of commitment to improve the community is also something that is very unique and special, not just to Notre Dame but, I think and hope, to many young people across this country, when given the chance in our universities.

Third, having been a graduate school student there, the dedication that I have seen on the part of the administration, faculty, students, but especially on the part of the faculty and administration to speaking, to original research. This growth in original research has been impressively displayed in the growing endowments, in the number of endowed chairs in the university and also, Mr. Speaker, in the number of minority scholarships that have been committed not only through the university in its academic program but through the football program and the money raised in revenue there as well.

Two other things that embody the spirit, the dedication, the academic prowess of Notre Dame are two things that they are doing in the local community, Mr. Speaker. One is a program called Christmas in April, where it is a coming together, a sharing of a number of interests in the community, business and labor, students and teachers, local community people from Mishawaka, from South Bend, from across the

Third District of Indiana coming together with the University of Notre Dame to help rebuild handicapped and low-income housing in the community.

This is a real symbol of what universities working together at the local level, putting their own resources, both money and human resources toward problems that a community confronts and faces.

Second, and I would just name two of these examples, is the Center for the Homeless, about 5 minutes from the university campus, where again this private university has decided to extend its resources, both people and money, into the local community to help in a holistic fashion address the problems of the homeless, not just merely to say we need to help people with shelter but to give people the ability to get themselves out of the situation that they find themselves in, to get themselves out of this homeless situation by helping these young people or families, we are seeing increasing amounts of families in these situations, to provide education skills, GED's, to provide them with the knowledge and the awareness of how to go about getting a job, looking for employment, paying for bills at the end of the month and, once they find employment, to work together, again, with the private sector, the university and the private sector, seeking to solve these problems.

Finally, Mr. Speaker, I just want to conclude by saying that in my encounters, not only with people like Father Hesburgh, Father Monk Malloy, who has just been renewed in his commitment for 5 more years to be president of the University of Notre Dame, something I know everyone shares our joy of having the kind of example of Father Malloy, his commitment not only to voluntarism but his involvement in a number of things, fighting drugs in the local community, the Points of Light Program, to see him get another 5 years to help bring Notre Dame into this next century and into the 155th year. But I want to conclude by saluting what Notre Dame's purpose and spirit are all about. And I think that is the sense of the commitment, the sense of hope and vision that it attempts indelibly to press on people that come in contact with the school.

I would like to read just quickly a couple lines from Alfred Lord Tennyson: "The lights begin to twinkle from the rocks. The long day wanes. The slow moon climbs. The deep moans round with many voices. My friends, 'tis not too late to seek a newer world."

I think we all are looking, Mr. Speaker, for a newer world, for the vision, the hope and the courage of saying that we can seek to solve some of the problems nationally and internationally and hopefully through people, through education, through insti-

tutions that come together with local communities in the 1990's, we can delve into questions, into problems, and find answers working together with people.

I think that is one of the very, very valuable assets that Notre Dame brings, not only to a local community, not only to the Nation, but hopefully to the world.

The Hesburgh era saw Notre Dame's enrollment double, its physical facilities grow from 48 to 88 buildings, and its endowment rise from \$10 million to more than \$400 million. Two defining moments in Notre Dame's history occurred at Father Hesburgh's direction: the transference of governance in 1967 from congregation of Holy Cross to a predominantly lay board of trustees, and the admission of women to undergraduate studies in 1972.

Since 1987, the university has continued to grow in prominence under the leadership of Father Edward Malloy. Endowed faculty positions now number more than 100, and the student body has become one of the most selective in the Nation. There are a total of 47 bachelor's degree programs within four colleges in the undergraduate department, while the graduate department embraces 22 doctoral and 40 master's programs in and among 33 university departments. Notre Dame is proud of the cultural diversity of its student body, being drawn from all over the United States and some 60 foreign countries. During the Malloy years, Notre Dame's minority population has more than doubled. The presence of women at all levels in the university—students, faculty, staff, and officers—has expanded significantly, and a major effort in international outreach is under way.

Academic life has always been of foremost importance to both the faculty and student body of the university. Notre Dame remains among the top 50 U.S. universities in the awarding of doctorates and ranks 18th among the country's private institutions of high learning in the number of doctorates earned by undergraduate alumni.

The South Bend campus is not the only site for academic programs to thrive. Overseas study programs have been broadening the horizon of university students offering liberal arts programs in Mexico City, Jerusalem, Innsbruck, Angers, Rome, China, and Japan. The law school has developed special programs to provide a global perspective for students of law in London. Notre Dame is also a pioneer in preparing business students for leadership roles in the world economy. The university's London Centre offers business students the opportunity of exposure to economic thinking in the changing European community. The London program was the first of its kind and remains one of the only such programs offered by an academic institution. The university developed these special programs in order for individuals, other than traditional liberal arts students, to expose themselves to diverse ways of life and thinking.

The university is hardly an intellectual institution alone. Social, recreational, and governing bodies have created a dedicated spirit of service and voluntarism, an integral part of Notre Dame's original intentions. Father Malloy has played a prominent role in the national campaign to curb drug abuse as well as

efforts to encourage volunteerism. He serves as a member of President Bush's Advisory Council on Drugs and, at the state level, of Governor Bayh's Commission for a Drug-Free Indiana. He also is a founding director of the Points of Light Initiative, a newly created foundation to promote ideas of community service.

In 1989 and 1990, more than 2,500 Notre Dame students volunteered for the local Christmas in April housing rehabilitation program which makes repairs in low-income neighborhoods.

The students also participate in the following community projects: helping former prison inmates reenter society, providing legal services for low-income clients in the community and delivering meals for the poor and the homeless. In 1988, the university assumed the lead in fueling and establishing a new Center for the Homeless in South Bend.

Upward Bound, a program for 2,000 bright but disadvantaged students, marked its 25th anniversary last summer. The program was established to enhance the experience of minority students in the collegiate setting. They are students who might not otherwise have the chance to progress to the university level and are successfully graduated at a rate of 99 percent.

Notre Dame opens up its doors to welcome the elderly community in the summer months with an international program entitled Elderhostel. Students partake in training programs prior to the summer semester and teach adults over the age of 60 a variety of subjects ranging from topics in Christian philosophy to water aerobics. There are 1,600 Elderhostel programs internationally, mostly in the United States and Canada. Notre Dame's program is 1 of 10 in the State of Indiana.

Mr. Speaker, September 7, 1991, marked the start of a 12-month observance of the 150th anniversary of the founding of the University of Notre Dame. As the university prepares to celebrate its sesquicentennial, I would like to share some of Notre Dame's history and outstanding accomplishments with my colleagues.

The University of Notre Dame was founded in late November 1842, by a priest of the Congregation of Holy Cross, Reverend Edward Sorin. His original land grant, which consisted of 899 acres and served as the site of an early mission to native Americans, included only three small buildings in need of repair. Father Sorin and his companion Brothers of St. Joseph—later Holy Cross Brothers—called the fledgling school, in their mother tongue, "L'Universite de Notre Dame du Lac."

The early Notre Dame was a university in name only. It encompassed religious novitiates, preparatory and grade schools and a manual labor school, but its classical collegiate curriculum never attracted more than a dozen students a year in the early decades. Despite these humble beginnings, however, Notre Dame from its founding enjoyed two significant advantages. First, its establishment coincided with the great opening of the Midwest by railroads and canals and with the immigration of many Catholics from Europe. The university's second, and even greater advantage, was the character and perseverance of its founder, Father Sorin, whose vision of a great American university has inspired Notre Dame's growth over its entire history.

In 1869, Rev. William Corby established the Nation's first Catholic law school at the university and in 1873 the first Catholic college of engineering was founded. Father Sorin's death in 1893 brought to an end the founding era, but not the tradition of visionary leadership. Father John A. Zahm, a brilliant scholar, became the builder of the science departments at Notre Dame and inspired the university's growth in research. Today, Notre Dame's college of engineering is an internationally recognized leader in systems and control research, which has aided such great achievements as putting men on the moon, advancing studies of radiation technology which could point the way to future energy sources, and allowing economists to understand more accurately the workings of the monetary system.

Father James A. Burns, Notre Dame's great theorist of education, revolutionized the university in the 1920's. He eliminated the preparatory school and dramatically upgraded the law school, and established the university's first endowment totaling \$1 million with a board of lay advisors to oversee it. Father Burns made it clear that Notre Dame was committed to nothing less than preeminence in American higher education.

Notre Dame's dramatic post-World War II flourishing began under Father John J. Cavanaugh, who raised entrance requirements, increased faculty hiring and established the Notre Dame Foundation to expand the university's development capabilities. Father Cavanaugh reorganized the university administration, created vice-presidents of all departments and one head vice-president to oversee the whole. His executive-vice president was Father Theodore M. Hesburgh. The explosive growth of the university in size and stature gained national prominence during the 35-year tenure of Father Hesburgh, who became an internationally known figure for his work in education and civil and human rights, as well as serving as a major contributor to the establishment of the Peace Corps.

I would be remiss if I did not mention the success of Notre Dame's varsity sports programs over the last century. Legendary coaches in the varsity football program boast famous names such as Knute Rockne, Ara Parseghian, and Lou Holtz. Not only has Notre Dame produced eight national championship football teams but the talent of seven Heisman trophy winners have graced the fields of Notre Dame's legendary football stadium. Notre Dame's football program prides itself not only on its outstanding athletic ability, but also enjoys a graduation rate of over 99 percent of its players. National titles have also been won by varsity teams in tennis, golf, cross-country, fencing, and club sports and intramural activities abound throughout the entire year.

The traditions of the University of Notre Dame have become deep and abiding over the years since Father Sorin founded the institution. I am fortunate to have had the opportunity to pursue my graduate education at Notre Dame, and even more fortunate to have this institution in the Third Congressional District of Indiana, which I represent. It is an honor to pay tribute to their outstanding accomplishments and achievements and all of us in the Third District wish the university continued success in the next 150 years and beyond.

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

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

Mr. MARTIN. Mr. Speaker, I do want to say, particularly to the gentleman from Kentucky, when I first came here as part of the Notre Dame family, I certainly appreciate his at that time seeking me out. I received some very special attention from the gentleman as to the does and don'ts and how to do what here. But it is interesting to note, as part of that extended Notre Dame family, that my brother graduated from Notre Dame in 1949, and it was pretty much conceded by everybody in the family that that is where I was going to go.

Somewhere about the time I was 18 years of age, I found out that this rule of being in with the doors locked at 10 o'clock at night is something that was not going to happen to me, and I applied to a number of other institutions of higher learning.

My brother took me to a football game in South Bend in 1961. They were playing a school from upstate New York called Syracuse, and Notre Dame kicked a field goal somewhat late in the game. The people in Syracuse say it was 20 minutes after the game was over, but the gentleman might remember that round. I wrote the other institutions and told them if I did not go to Notre Dame, I was not going to school at all.

□ 1610

My dad in the meantime had also explained to me that that is where I was going, and that helped a lot. So one reflects on all the experiences one has in one's life, I think back to Notre Dame and think back to those people like Father Tom Brennan, who took such a personal interest in me as a person. That is pretty much a tradition of the Notre Dame faculty. I think that is why no matter where you go you meet Notre Dame graduates and they have something extra in the collegiality of things, in understanding and looking out for each other and for the betterment not only of the community but of the church.

Father Brennan is a person who probably had more impact on my life than anybody else in sending me at those crisis times in the rights direction, and it is a reflection on Notre Dame and on their education. While they became famous back in the 1920's, 1930's, 1940's, 1950's, 1960's, 1970's, 1980's, and now the 1990's for football, that is just a small part of it. The Father Newlans who helped us win the Second World War with the invention of synthetic rubber and those kinds of people are found everywhere on the campus today, as they were years before.

While I wish I had more time to reminisce and to salute the people who are there now turning out another genera-

tion of fine Notre Dame men and women, it is most appropriate, and I thank the gentleman from Indiana [Mr. ROEMER] for taking out this special order. I just wish I could stay longer. I thank the gentleman for yielding to me.

Mr. MAZZOLI. Mr. Speaker, would the gentleman yield?

Mr. ROEMER. I am happy to yield to the gentleman from Kentucky.

Mr. Speaker, I thank the gentleman from New York [Mr. MARTIN] for his kind remarks.

Mr. MAZZOLI. Mr. Speaker, I appreciate the kind comments of my friend from New York [Mr. MARTIN]. It is true that I made a special effort to extend a warm collegial congressional/Notre Dame welcome to the gentleman when he came to this body 10 years ago, and I am happy I did. He has served very well in his committee position, and he is a proud Member of this body, and I am proud to be his colleague.

Mr. Speaker, I would like to thank the gentleman from Indiana [Mr. ROEMER], who happens to be the one who represents the Notre Dame campus, for taking this special order. Notre Dame means very much to me, and in a few minutes with the gentleman's permission, I would like to reflect on how it does and why it does.

I cannot let this moment pass without remembering the gentleman's father, Dean Roemer, who was here so proudly a few months ago when you were sworn in, TIM, and I remember your dad. And I remember your dad from my days on the alumni board in the early 1980's. I remember vividly his coming to our meetings and telling us about Notre Dame and what was going on, because our visits to campus three times a year were, among other things, to update us on just exactly what was happening. Dean Roemer performed that task wonderfully. I would ask the gentleman to extend good wishes to him as soon as he sees him again.

Let me go back if I might many years ago, 50 years ago to the early 1940's when my father was still alive and was a great Notre Dame fan, although he was what we call a subway alumnus. My father not only did not go to college, he did not even go to high school. He was indentured, if you want to call it that, to the trades while he was still in grade school. But my father developed a great affiliation for Notre Dame, and as we know, it was a college which somehow embodied the hopes and the aspirations of a great group of people who came to this country, the immigrants to the country, along with native born. For those people it was especially a kind of repository for their love and affection and for their great admiration for this Nation. So from the early 1940's I can remember vividly sitting with dad before television, and before VCR's. Our children have a hard time remembering there was an era be-

fore TV. I would listen to the old staticky radio with my father, listening to the football games and remembering those great clubs of Frank Leahy in the early 1940's and some of the great football players of those eras. It happened that my cousin, Otto Miletti, was a student there at the time, and so Otto would come home at Christmas and bring me little mementos of those great Irish teams. I was sort of brought into Notre Dame via that vision, which we find even today where the Notre Dame fighting Irish football teams are among the best in the land, and they do it the right way.

As a result of that I would tell the gentleman from Indiana [Mr. ROEMER] that I really applied to only one college. When it came time for me to think in terms of matriculating to a college, I applied to one university and that was Notre Dame, and thankfully I was accepted. So I entered Notre Dame in the autumn of 1950, barely after World War II had ended, and very much in a time when Father John J. Cavanaugh was then president; when over in what is now part of the campus complex was what we called Vetville. The gentleman's father would remember Vetville, with the veterans coming back from the Second World War, returning to campus, married, and it happened that the gentleman you referred to, Father Hesburgh, was the chaplain to the veterans in Vetville, where Father Hesburgh more or less got connected with a lot of those people.

The year 1950, I need not remind my colleagues, was a very different era than 1992. In 1950 we had no opportunity to go out on weekends. We had no automobiles. We had lights out, much as a monastery would turn lights out. They would turn the lights out on us. We had to make certain checks in the morning at Mass and in the evening when we came back. In 1952, in the middle of my sophomore year, Father Hesburgh became president of Notre Dame, and that began his 35-year tenure, the longest in the history of the university, as president. This was an era of remarkable growth, intellectually and physically, at the Notre Dame campus, an era in which Father Hesburgh and Father Joyce, his loyal and hard-working notable companion in that effort, really brought Notre Dame into the new era of universities.

I remember among other people, Father Cady, who was my first rector at St. Edward's Hall, which was my hall then. I remember Father Jerome Wilson, who was the treasurer, and sort of took care of the business work for Notre Dame.

That was an era that was very important to me. I found that Notre Dame provided me the intellectual stimulus, the social structure, the religious formation that I needed as a person to handle what life brought me soon after-

wards when I was drafted into the army. Notre Dame also made the transition from the era of the 1950's. Then it was just for men; it is now a coed university, but then just for men, and it transitioned and, as they say today, segued very wonderfully and very smoothly into the new era.

In that new era, in the 1960's and the 1970's, it suited the purpose of those people very well. It did especially for our son Michael, who entered Notre Dame in the autumn of 1979 and graduated in May 1983, and our daughter Andrea, who entered a few years thereafter. She graduated in May 1985, and at a very wonderful moment for the Mazzoli family, because it happened to be that very graduation ceremony in which I was honored with an honorary degree from Notre Dame, in the company of President Duarte and many other remarkably great people, far outstripping me in accomplishment. But I was honored at that time to have my daughter in the audience being given her degree, and there I was on the stage.

So our two children, a 1983 graduate, and a 1985 graduate, and then to put the sort of maraschino cherry on the whipped cream, our son-in-law, Andrea's husband, is also a Notre Dame graduate, class of 1985. He happens to be an Irishman by the name of Doyle. So here we have the Italian-Irish combination which has been so popular over the years at Notre Dame.

Even today I would tell the gentleman from Indiana [Mr. ROEMER], who was nice enough to take this special order, that on my staff I have had many Notre Dame graduates. I currently have two: My administrative assistant, Jane Kirby, class of 1980, and Martin Rodgers, the class of 1988.

□ 1620

I can attest not only are they professionally very talented, but they are personally able to handle the stresses and strains, and I think that gets back to exactly what the gentleman said.

I will conclude, after making just a couple of remarks, but what the gentleman said is Notre Dame with its structure, and deep roots, and ethnics and principles, and values and service, is able to produce graduates who not only can take care of all the academic demands of today's society, but also to take care of making sure that they have safe anchorage. They have that. They have proper guidance, and that they have a certain aim and a goal. I think that is so important for Notre Dame.

I would lastly like to mention the class of 1954, of which I am a member. It is a wonderful class, and I would like to remind the gentleman from Indiana that among my classmates is Richard Rosenthal, who is the athletic director at Notre Dame today, and Roger Valdiserri, whom the gentleman knows

was for so many years, the head of the sports information department and constantly would win awards nationally for his productions and publications at the sports department, and Joe Sassano, who runs the athletic and convocation center, now called the Joyce Center. And I have members on the faculty, Father Dave Burrell, one of the Holy Cross fathers. Dave was in my class. John Poirier, who is the physics department, and at least, among others, Dick Pilger, who is also in South Bend.

So I thank the gentleman for taking his special order. It allows us to celebrate the 150th year of Notre Dame's remarkable service from a little log cabin at the edge of St. Mary's and St. Joseph's Lake in 1842, to the very sophisticated university that it is today and soon to be in 1992.

I would like to suggest to the gentleman that Notre Dame has given me a lot, and I hope I have endeavored to give back to Notre Dame some of what it gave me over the years.

But I certainly take great pride in celebrating with him and our other colleagues from Notre Dame this wonderful mark in the history of that great university.

Mr. ROEMER. I thank the gentleman, Mr. Speaker. I would just like to thank the gentleman from Kentucky for those eloquent and right-on-the-mark remarks about his experience at Notre Dame and also salute him for the recognition that Notre Dame has bestowed upon him for his public service, for his accomplishments here in this body, and encourage him to continue in that stead. He is somebody many Notre Dame graduates look up to, including myself, for his accomplishments here.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. JACOBS].

Mr. JACOBS. Mr. Speaker, I am particularly happy to hear the remarks of our colleague from Kentucky about Notre Dame which, as he says, was a great benefactor in his life, which gave him the opportunity to leave Kentucky and come to Indiana, which I am sure was a very enriching experience. I do not say that in any condescending fashion, since my mother did the same thing just before marrying my father.

Notre Dame will always be heard from in the halls of Congress of the United States.

One thinks of remarks made by the great John Brademas, the predecessor to the gentleman from Indiana, and Jack Hiler found many opportunities to mention Notre Dame, and now the gentleman from Indiana [Mr. ROEMER] does great honor to that great institution among institutions on this Earth.

One thinks of such names going back into antiquity as Leon Hart, who came from nowhere to take Notre Dame all the way to the west coast. One thinks of the name Ara Parseghian, who opposed the Vietnam war, and, of course,

the latter edition of the Gipper, who favored the Vietnam war, and obviously freedom of thought is very much alive at Notre Dame. I do not believe that President Reagan actually went there, but he played one on TV or in the movies, I think. One thinks of Father Hesburgh, who was an enormous inspiration to this institution.

I had the privilege of serving on the Committee on the Judiciary on many occasions, many occasions when Father Hesburgh came here to testify in favor of civilizing America with the 1965 Voting Rights Act and other matters where his erudition was a guiding light, or one of the guiding lights for this body in those turbulent transitional and triumphant years.

So this opportunity to salute Notre Dame on its sesquicentennial is warmly accepted, I think, by almost every American, and in a larger sense the whole world.

God surely smiles on this institution, this Nation, and God's children all over this Earth who, in one way or another, in many instances, have had better lives because of the learning experience at Notre Dame of many leading citizens of the Earth.

Somerset Maugham wrote that education is valuable only to the extent that it ennobs. Notre Dame could be the very institution he was talking about.

Mr. ROEMER. Mr. Speaker, I would like to thank the gentleman from Indiana for taking time to come down to the floor and make those remarks.

Mr. Speaker, I yield to the gentleman from Puerto Rico [Mr. FUSTER].

Mr. FUSTER. Mr. Speaker, it is a privilege for me to join my colleagues today in celebrating the 150th anniversary of the founding of the University of Notre Dame, of which I am a proud alumnus. Many of us in this chamber retain vivid and positive impressions of our undergraduate years. This is certainly my case with Notre Dame.

I will never forget that time over 30 years ago when I left the sunny shores of my native Puerto Rico to embark upon an exhilarating 4 years in the cold climes of South Bend, IN. It was certainly a challenge, but Notre Dame lived up to my expectations. I went on to postgraduate legal studies at Harvard and Columbia, but when I think of my alma mater, I think first of Notre Dame.

Notre Dame is the premier Catholic university in America, the flagship of all such universities. When I say this about Notre Dame, I am saying it not only as a proud alumnus but also from the vantage point of having been president of Catholic University of Puerto Rico for 4 years and having spent a lot of time working in Catholic higher education. Many Americans equate Notre Dame with its remarkable and highly successful football teams over the years; indeed, there is an under-

ground alumni throughout the country, who never went to Notre Dame, but who identify with the university and its football teams to an extent not found at any other college.

But Notre Dame is more than football, much more so. Academically, it is a top university, ranking among the very best in the Nation. When, for example, you look at the special criteria that reflect in a fine way the strengths of academia—such as the number of Rhodes scholars—Notre Dame is right up there in the big leagues. And Notre Dame has something else—the amazing spirit of its students and faculty, a spirit that manifests itself in the different educational and personal values that permeate the campus.

Of particular significance to me is the way faith and reason are blended at Notre Dame. At the intellectual level, Notre Dame explores the spiritual and metaphysical underpinnings of very important human problems, and at the personal level it provides a context for a true living faith. I will never forget, for example, the experience of seeing hundreds of grown-up and very macho men going to the Grotto to pray before important events. Coming from a Catholic culture as I do, that was a lasting impression. In this day and age when people struggle to find answers to very important social problems, Notre Dame's view is that the secular approach is not enough—that those social problems have to be analyzed and solved within the context of Christian values—is particularly pertinent.

Indeed, throughout the many years of its existence, Notre Dame has been a civilizing force in American higher education and in America itself, from the earliest times of these United States. My hope and expectation is that Notre Dame will continue on this illustrious path. Notre Dame stands for the very best in American educational values, and I join with my colleagues in saluting our alma mater on the 150th anniversary of its founding.

□ 1630

Mr. ROEMER. Again, Mr. Speaker, I would like to thank the gentleman from Puerto Rico for his remarks. We are all lucky that the cold weather in South Bend did not scare him away from the university and that he did get his degree and that he is now associated with that university. I am sure the university is very proud of that as well.

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

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

Mr. MAZZOLI. Mr. Speaker, I was not aware until just a moment ago what the gentleman mentioned, and that is that Father Malloy has been granted by the board of trustees an additional term of 5 years as president; is that correct?

Mr. ROEMER. That is correct. He has been awarded an additional 5 years and they have just replaced the outgoing chairman, Donald Keough, with Coca-Cola, with Andy McKenna, the incoming chairman from Chicago, and we are lucky to have had and will have his continued knowledge to help run the university.

Mr. MAZZOLI. Mr. Speaker, if the gentleman will yield further, the gentleman's special order comes at a very propitious moment, because it is really on the eve of new things, because it does give Father Malloy a chance for at least another 5 years to continue to put his own hallmark and stamp on Notre Dame, which is what any president does, and of course, gives us a chance to welcome Andy McKenna, whom I know from my years on the board, as chairman and to say good-bye, but with thanks, to Don Keough, who was a great chairman of the board of trustees. It is wonderful and I am sure we all wish Father Malloy continued good luck and good performance.

Mr. ROEMER. Mr. Speaker, I yield to the distinguished gentleman from Ohio [Mr. LUKEN], who is also a graduate of the University of Notre Dame.

Mr. LUKEN. Mr. Speaker, I thank the gentleman from Indiana for yielding me this time, and I congratulate the gentleman for this special order.

Mr. Speaker, this weekend I took my family back to the University of Notre Dame, and congratulations, parenthetically, to the people from Tennessee on their victory over the weekend; but the good news is that the university of looking forward to a real good next 150 years. If you have been to the university lately, you have seen the new buildings that are going up there. You have seen the enthusiasm that the people have for the university.

I should also add that the hall in which I spent 3 years, Pangborn Hall, looks a heck of a lot better today than it did when I was there, so things are looking up at the University of Notre Dame.

Mr. Speaker, I went to the university in the early seventies. It was an odd time by most accounts at the University of Notre Dame. The gentleman from Kentucky recalled a time a little earlier and the gentleman from Indiana is a lot younger than I am, but I went there in the early seventies during the Vietnam war. The invasion of Cambodia was something I remember at the university.

I remember Father Hesburgh addressing the students on the campus in a very moving and eloquent way. It was a difficult time for college campuses across this country, but it was also a time, I think, more than ever when the spirit of Notre Dame really came to the fore, the spirit, the family of Notre Dame.

I do remember the conversations that we had about that conflict that went

long into the night and somehow I think sometimes if the night would have been just a little longer, we could have solved the problems, but we never did.

But those friendships that you develop, those people I still talk to today.

As the gentleman from Indiana indicated, it is a place where they focus on the total person, the intellectual, the academic, and I see where their standards continue to go through the roof in terms of getting in. I wonder sometimes how I would fare in 1992, but they focused on the complete individual. Anybody who went there, whenever you talk about Notre Dame, you get a reaction. Some people like it or they do not like it; but I think everybody respects the University of Notre Dame because it stands for excellence. It stands for the development of young men, and now thankfully, young women.

The good news is that the future is very, very bright.

So Mr. Speaker, I congratulate the gentleman from Indiana on this special order and I thank him for allowing me to participate and just be part of this cheer for old Notre Dame.

Mr. ROEMER. Mr. Speaker, I would like to thank the gentleman from Ohio for those humorous and very fine comments.

Mr. Speaker, I yield to one of our distinguished Members in Congress, the gentleman from Pennsylvania, to also join in our special order in commending the university's 150th year.

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

Mr. Speaker, before I forget, I want to thank the gentleman for having the foresight to take this special order.

Many graduates leave the university and they forget about the university, what it has meant to them, how important it is in their lives and where they would have been if they had not attended.

I feel personally honored. I happen to be at Notre Dame when the original concept of natural law came into being. We had the first natural law symposium. That was under Dean Manion at the time. Dean Manion at that time was the dean of the Notre Dame Law School. Dean Manion is the individual who fought so hard over the years to make sure in our Pledge of Allegiance that we had the words "under God" incorporated and inculcated into that pledge which we give every day here in the House of Representatives. He was a very, very influential man.

I remember at that time President Romulus, right after World War II, was the first speaker at the First Natural Law Institute to be held on the campus at the old Notre Dame Law School, before it became modernized with all these raised seats and the new structure. It was the old law school.

So to me Notre Dame has a special connotation. I remember we had also

at that time what we called a great books seminar. Judge Collier would come down from Chicago, along with Mortimer Adler, a well-known philosopher at the University of Chicago, who is making a great reputation today. In fact, not very long ago I turned on one of the special programs on TV and who was there but my old friend, Mortimer Adler, making again a good presentation, as usual.

In that seminar, we discussed all the great books, and what they meant, and how they could be used, and how they involved every day living—a study itself in its entirety—so important to me and to other graduates at the time.

Natural law might be a concept that some people think has no real being and that someone devised this concept, but let me tell you, it was mentioned nationwide in the recent Judge Thomas hearings.

The question came as to what comes first and which should govern, a higher authority or the Constitution of the United States. We all know what the answer is, but just to show you that Dean Manion back 40 years ago when I was in law school—back in 1947, and 1948, and 1949—at that time he had this concept of natural law, and he thought it was a subject matter to be debated and projected in the future, and here I am in this institution listening to a very important interrogation on national TV and they bring up the old concept of natural law.

In fact, I think the only library in this country on natural law, at the least the original library, is at the University of Notre Dame Law School today. I think I am accurate in saying that.

So, the point I am probably trying to make by just going back and reminiscing a little bit as to what I experienced—yes, I was there when they had three undefeated football teams, under Coach Leahy at the time. Of course, that spoils you as a student, but I just want everybody to know that Notre Dame is not just a football university. Yes, it does have a good athletic program. They have basketball, football, and other things, but that is not what it stands for.

I think Notre Dame in my concept, after looking back and analyzing what the school stands for and what it does, I think very basically and fundamentally it says that in your future endeavors and as you live your life, that you have a duty to do unto others as they do unto you and you have a right to compare what we call physical law, manmade law and natural law, natural law that does govern in some instances in the absence of other types of manmade law.

So just reciting those few items to my colleagues and also hopefully for the RECORD, I want to conclude by saying this. I never regretted the fact that I went to Notre Dame. I think Notre

Dame has developed within the students a very great closeness. I have noticed and am probably guilty myself, there is a slight favoritism when you have individuals applying for a position with you, or if you have someone asking you for some advice, or some direction—you just have that faint type of feeling that this is a Notre Dame man or a woman.

□ 1640

I am very glad to help. I thank the gentleman for yielding to me.

Mr. Speaker, it is with great pride that I join my colleagues in congratulating the University of Notre Dame on its 150th anniversary. As a graduate of Notre Dame's law school, I am honored that the university has never wavered from its commitment to provide a quality, well-rounded education for young adults that is preparing them for the challenges of life.

In 1842, when Father Edward Sorin was granted 300 acres of land in northern Indiana to start a university, few realized what his "University of Notre Dame du Lac" would become—a nationally recognized university of 10,000 students from every State and many foreign countries.

Many people around the world know about Notre Dame because of its success on the football field. And, while alumni are rightfully proud of the football team, Notre Dame is much, much more.

Students at Notre Dame get a first-rate education that focuses on the tools they need to be successful at their chosen professions as well as the knowledge to be active participants in American life. Each student is required to take classes in mathematics, natural sciences, literature, the fine arts, and the social sciences.

Under the leadership of President Monk Malloy, the university blends a quality education with pride for institution itself to create what is called the Notre Dame family, a family which has grown considerably in recent years and now consists of the student body and over 210 alumni clubs around the world with chapters in Moscow, Tokyo, and Australia.

The theme for Notre Dame's 150th anniversary celebration is community service, something I personally have been preaching for most of my years in Congress.

Serving our fellow citizens is one of the great characteristics of our society today, and I would encourage everybody to take part in some form of community service, whether it is joining the Salvation Army, working at the local community center, or volunteering to work in an underdeveloped area in this country through VISTA or in another country through the Peace Corps.

Community services offered through Notre Dame provide various opportunities for students to work with the poor, help the mentally challenged, or be a Big Brother or Big Sister. A testament to the university's emphasis on community service is the large number of students and alumni who give of their time and energy.

Over the last decade, we have been bombarded with reports concerning the dismal state of education in our country today. Some complain, and rightly so, that some college

and high school graduates are not being adequately educated and our national economy is suffering as a result. But there is hope, however. Institutions all over the country such as Notre Dame are providing its students with quality education and with ideals that will translate into better lives for those touched by their graduates.

Father Sorin would be extremely proud to see how Notre Dame has flourished, and I congratulate the university as it celebrates its 150th anniversary.

Mr. ROEMER. I thank the gentleman from Pennsylvania for his remarks, and I thank him also for reiterating what many of us have said, that Notre Dame is and should be known for so many other things other than football, basketball, and sports prowess, such as its dedication to teaching, original research, so many fundamentally important things such as service, community, and the ethics and values that they teach indelibly to their students.

Mr. Speaker, I yield to the gentleman from New Jersey [Mr. ANDREWS], my friend, and I know that he probably brings a certain perspective to his comments on the university, having attended a field hearing at the Hesburgh International Center this past summer when we brought the Committee on Education and Labor there to listen to their local concerns.

Mr. ANDREWS of New Jersey. I thank my friend from Indiana for yielding.

Mr. Speaker, I want to commend the gentleman for calling this occasion to our attention. I want to offer a slightly different perspective on the university, as one who visited it for the first time at the field hearing we had several months ago.

Mr. Speaker, I knew of Notre Dame as many of us in the country know Notre Dame, which is its reputation; I have known many of its graduates, many of whom are residents of my district in New Jersey. I have known its teachers, its graduates, and their distinction.

Of course, I have known the school through its fame in athletics, arts, and other fields as well.

The impression that I received upon the gentleman's very kind invitation to go to the university was two things: One, as Father Hesburgh said in his testimony before our committee that I thought defined not only the hearing but a lot of what we tried to do in our work with the Committee on Education and Labor, which is that as education goes, so goes America. There is no individual that I am aware of whom I have met who personifies that value more than Father Hesburgh. I cannot think of any institution in America that personifies it any better than Notre Dame.

Mr. Speaker, it is a place where education is very clearly the center of its mission. I was pleased to note that. I was also pleased to note the concept

that everywhere on campus, the people that I met, the concept of the family was evident.

I know that the members of the family of the gentleman from Indiana [Mr. ROEMER] are very much associated with the university as he has been. It is clear that the Notre Dame family is more than just an expression, more than just a phrase; that the family is the center of the university experience much as we would hope the family would be the center of our society and our community.

So as one who has a very fresh perspective of the university from just a few months ago, I enjoyed meeting many of its administrators, faculty, students. I thank the gentleman for today's special order, and I look forward to his special order on Bucknell University, which is where I went, and I commend the gentleman for this opportunity.

Mr. ROEMER. I am sure as intelligent and articulate as the gentleman from New Jersey is, he probably will have one tomorrow on Bucknell.

I would like to further comment that if the gentleman from New Jersey is angling for an honorary degree from North Dakota, he may have gotten it just now with these kind remarks that he made after having visited the university.

I thank the gentleman from New Jersey for those comments.

Mr. Speaker, I would just like to conclude finally by saying that the traditions of the University of Notre Dame have become deep and pronounced over the last 150 years of this great institution's commitment, not just to South Bend, IN, and the Third District of Indiana, but to America and to the world, as we see the university going into China and Japan and Ireland and even Australia.

I think we are all fortunate, not just people associated with Notre Dame, not just subway alumni of the university, but I think we all are, as Americans, in this respect. But I think Notre Dame, the young people of Notre Dame, Mr. Speaker, are taught not just about bottom lines, not just about profits, or how to make money, they are taught about ethics and about values and about working hard in the community, for the community, and about seeking to enrich the lives of others and improve local communities.

I think other Representatives who have served the Third District, Mr. Hiler, the gentleman from Indiana, and Mr. Brademas, who is now president emeritus of New York and who is on the board of trustees at the University of Notre Dame, have also shared in this commitment and this pride in Notre Dame as I have today, being the Representative of that institution.

I would just like to wish the university, the administration, Father Malloy, Andy McKenna, the faculty,

the student body: During the next 150 years may you bring the same kind of dedication and principle and ethics and values not only to our local community, not only to America but to the world in helping us solve many of the problems that we face as a country in the future.

Mr. FOLEY. Mr. Speaker, for years the University of Notre Dame has represented a model for values and a commitment to excellence in both religion and scholarship. It is truly a national institution, with international respect and admiration. The year 1992 marks the sesquicentennial of that hallowed institution, and stands as a milestone for the examples set by Notre Dame in education, community service, and concern for the underprivileged.

What began as three neglected buildings and a priest with a vision has become one of America's leading universities with over 80 dormitories and academic buildings and over 10,000 students. Rev. Edward Sorin, a brother of the Congregation of Holy Cross, christened Notre Dame's mission and generations of dedicated individuals have sought to perpetuate carrying out that mission with equal determination.

The University of Notre Dame's belief in service to the community has not been confined to the limits of its South Bend campus. With extensive representation from foreign countries, the university's student body projects that message to the far reaches of the world at each year's commencement. Similarly, numerous international study programs in Europe, Central America, and the Far and Middle East promote a similar attitude and awareness for undergraduates and postgraduate alike.

As one of America's foremost independent Catholic universities, Notre Dame accepts a great deal of responsibility for the needs of the impoverished, the homeless, and the hungry. For Notre Dame, dedication to higher education does not stop in the classroom, but extends to direct involvement with and service to the community.

The University of Notre Dame deserves to be proud of many things. Her accomplishments are many and celebrated. The spirit of her students and alumni are a testament to the school's excellence, and I salute the university, its spirit, and its students both past and present.

Mr. HAMILTON. Mr. Speaker, I would like to take this opportunity to recognize the 150th anniversary of the founding of the University of Notre Dame in South Bend, IN.

Notre Dame is one of the most famous and respected universities in this country and the world. Many Americans know Notre Dame for its legendary football teams. It is much more than that. Notre Dame is a leading center for higher education. It ranks 10th in the Nation in the number of doctorates earned by its undergraduate alumni.

Notre Dame has in the past and will continue to play a significant role in enhancing our competitiveness in the global economy. It has produced generations of scientists, engineers, and business leaders, who have contributed so greatly to our economic success in Indiana and in the country. Future graduates will, I am

sure, make similar contributions in science, technology, and business innovation.

The university has, of course, also made its mark in the humanities and in religious education. The greatness of this country rests in large part on the character of its people—on their sense of justice and tolerance, in their compassion for the disadvantaged and dispossessed, in their respect for individual liberty. Notre Dame has nurtured those virtues in the hearts and minds of its students and the American public, and has always put a premium on voluntarism and community service.

September 7, 1991, marked the beginning of a year-long celebration of the sesquicentennial of Notre Dame. I think it is fitting and proper that Congress take this time to recognize this great institution and its many achievements, and look forward to a future of continued accomplishment and excellence.

Mr. MCDONALD. Mr. Speaker, it is my pleasure to join my colleagues in this special order commemorating the sesquicentennial year of an institution that holds a special place in my heart—the University of Notre Dame.

On a snowy November day 150 years ago, 28-year-old Father Edward Sorin arrived on the banks of St. Mary's Lake with the dream of building a college. L'Universite de Notre Dame du Lac enrolled 200 boys in its inaugural year, a frontier school stressing discipline, religious training, and basic academic skills. Father Sorin, a missionary from France who quickly embraced his new homeland, devoted himself to the survival of his school. Almost 80 percent of the colleges founded before the Civil War were to fail, and fire was a chief culprit.

After the great fire of 1879 destroyed the main building and four other buildings at Notre Dame, Father Sorin, then 65 years old, called the crowd of students and faculty walking among the ruins into Sacred Heart Church. He inspired the Notre Dame community with his words: "If it were all gone, I should not give up!" Father Sorin led his college back, crowning the new main building with a goldleaf dome modeled after the one at St. Peter's Basilica in Rome in tribute to Our Lady, despite the objections of the Holy Cross Order and the university's officers to this extravagance.

By the time I first set foot on the Notre Dame campus—107 years after Father Sorin launched his dream—the university was nationally renowned, albeit more for its football teams than its academic reputation. Knute Rockne and his Fighting Irish became a part of the Nation's folklore, and Frank Leahy continued Rockne's tradition of excellence on the gridiron. Although sons of Notre Dame had made important contributions to education and science in early 20th century America, the football team captured the headlines and the imaginations of boys across the land. As Father John O'Hara wrote in the "Religious Bulletin" in the 1920's, "Notre Dame football has done more than any one thing to spread devotion to frequent Communion among the school boys of America."

Father O'Hara, who would become president of the university in 1934, and later cardinal archbishop of Philadelphia, recognized the public relations value of the football team's success. From his predecessors, Father James A. Burns, Father Matthew Walsh, and

Father Charles O'Donnell, Father O'Hara learned that he had to raise money to attract the faculty and build the facilities to bring academic excellence to the university. O'Hara was president when young Theodore Hesburgh enrolled at Notre Dame's Holy Cross Seminary.

When I arrived in 1949, Notre Dame had long passed the days of being a frontier school. The university boasted a law school, a graduate school, and full offerings in the undergraduate courses of the day. Notre Dame was recognized for its strong programs in philosophy and theology, arts and letters, and the physical sciences. Father Sorin's commitment to discipline, regimentation, and religious training remained hallmarks of the university, but intellectual and scholarly pursuits had replaced Sorin's little boarding school of 1842. I was immediately impressed with the beauty of the campus—the golden dome, the stunning Sacred Heart Church, and the splendor of the south quadrangle during autumn. Notre Dame stadium sat perched on the edge of campus, the red brick bowl holding the promise of many Saturday afternoons of excitement.

I entered Notre Dame a boy, and I left a better person. Away from home for the first time, I missed my family those first few weeks. But at the same time, I was becoming a part of another family, the Notre Dame family. My new family reinforced and expanded upon the lessons I learned in the McDade home in Pennsylvania. My professors challenged me to learn, to think, and to grow. The Fathers of the Holy Cross Order encouraged me to grow in my faith, and did not hesitate to offer—indeed to proclaim—the proper code of conduct for a young man.

My professors were dedicated to the art of teaching. They challenged, they inspired, and they instilled a sense of discipline that would enable me to complete tasks that I thought impossible to do. It is indeed a dangerous business to single out one professor as the best from such a talented group, but I would like to say a few words about my favorite—Father Peter Hebert.

I arrived at Notre Dame having graduated from a Jesuit preparatory school in Scranton, where they worked their usual miracles in drilling young minds with the complexities of Latin, Greek, and French. When I matriculated at Notre Dame, I thought I might take a course in Latin, not knowing I would be introduced to one of the most brilliant men I have ever encountered in the person of Father Hebert. Father Hebert was into neither declining nouns nor conjugating verbs—he was into the minds of the great classical thinkers whose philosophies and writings shaped the great civilizations of this world. His classes were an intellectual tour de force, second to none. That first course was titled Latin 101, but my first exposure to a great books program was in this class my freshman year. I signed up for summer classes at the University of Scranton near my home to make room on my schedule to take 4 years of Father Hebert's courses at Notre Dame.

Father Hebert used to joke that the world was divided into two groups: Classicists and engineers, also known as plumbers. He meant not to deride the contributions of science or of the working man; this joke was his way to

challenge everyone to think, and to learn from the great thinkers. Everything was of interest to Father Hebert, even the words of science, engineering, and plumbing. One day, Father Hebert picked a flower, and then another of the same species. He commented on the similar structure, the order in the two flowers. He noted the order in our universe; this order, he said, is proof of the existence of God. Father Hebert, my Latin teacher, was one of the leading botanists at the university. Students marveled at his one-man campaign to identify and categorize the species and variety of every single tree of the 1,250-acre campus.

Father Hebert was an inspiration and a role model for students and professors on the Notre Dame campus. He was an incredible force in the lives of his students, and his influence on my young mind will remain with me for the rest of my life. Notre Dame boasted a host of great teachers during my years there, and each of them left students with a wealth of knowledge. But without a doubt, my most unforgettable professor was Father Peter Hebert.

As is true with most every class at any school, a special bond developed among the members of the class of 1953. We made friendships that have lasted a lifetime, united in our devotion to the Fighting Irish and our youthful rebellion against the decrees of a faceless administration. In my senior year we organized the milk riot, after the administration decided we left too much milk in the 8-ounce glasses. When smaller glasses were introduced, we held full glasses out and dropped them to the floor, amidst shouts of "Fire One," "Fire Two," and "Fire Three." We made sure that our shots were fired out of reach of the discipline monitor, who was clearly overmatched in this battle, and the 8-ounce glasses soon returned. In the spring, we celebrated the return of Father Sorin, actually a statue of him, who had disappeared in winter and sent us correspondences from President Eisenhower's inaugural ball, Queen Elizabeth's coronation, and an audience with the Pope. Father Sorin magically came back, and his traveling companions escaped being identified by the crowd or the prefect of discipline, Father Charles McCarragher, Black Mac, who was not amused.

The Reverend Theodore M. Hesburgh, C.S.C. became university president in 1952, and we students did not realize what this would mean to Notre Dame until well after we joined the ranks of the alumni. Father Hesburgh served until 1987, and he transformed Notre Dame from a small midwestern Catholic institution with a famous football team to a university with an international academic reputation. Building upon the knowledge and example of his predecessor, Father John Cavanaugh, the 35-year-old Hesburgh set out that first year to follow what he described in his autobiography as a " * * * kind of vision. I envisioned Notre Dame as a great Catholic university, the greatest in the world! There were many distinguished universities in our country and in Europe, but not since the Middle Ages had there been a great Catholic university." Father Hesburgh led Notre Dame through its greatest period of growth—academically, physically and financially—as he tirelessly pursued his lofty goal and instilled his vision in others.

Father Hesburgh brought greatness to Notre Dame. He inherited the strong, cohesive sense of spirit that has existed within the Notre Dame community since Father Sorin's time, and he used this spirit to bring Notre Dame to new heights. Numbers do not do justice to the academic, social and spiritual growth fostered by the leadership of Father Hesburgh, but they help to illustrate the magnitude of his accomplishments.

During Father Hesburgh's 35 years as president, Notre Dame's annual operating budget grew from \$6 million to \$230 million, and the endowment rose from \$6 million to more than \$500 million. The student population has doubled, and the faculty has tripled. Notre Dame first admitted women in 1972, and today women make up 40 percent of the undergraduate student body. There are twice as many buildings on the campus today than when I was graduated, including the Hesburgh Library, perhaps more famous for "Touchdown Jesus" than the more than 1 million volumes it contains.

Father Hesburgh gave of himself not only to Notre Dame, but to the people of this Nation and the world. He accepted 14 special appointments from seven Presidents through the years, serving with distinction for 15 years on the U.S. Civil Rights Commission. He was involved with the formation and early missions of the Peace Corps, and has been a leading voice on a wide range of social issues, including peaceful uses of atomic energy, immigration reform, discrimination, human rights, Third World development, world peace, the environment, ecumenism, and of course, education.

Under the able leadership of Father Edward Malloy, the University of Notre Dame continues to grow, always setting higher goals as it fulfills old ones. Notre Dame has realized Father Hesburgh's vision of becoming a great Catholic university. It is a great American university. It is recognized internationally for its contributions to our world. I thank my colleagues for indulging me as I spoke about Notre Dame, for it is with pride that I count myself among the nearly 100,000 alumni of the university. I am grateful for everything that Notre Dame has given me, and proud of the university's achievements nationally and internationally.

Mr. Speaker, I am sure my colleagues join me in saluting the University of Notre Dame du Lac on its 150th anniversary.

GENERAL LEAVE

Mr. ROEMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the occasion of the University of Notre Dame's 150th anniversary of its founding and its celebration of improving higher education in America.

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

There was no objection.

TRIBUTE TO THE HONORABLE D.
FRENCH SLAUGHTER, JR.

The SPEAKER pro tempore (Mr. BOUCHER). Under a previous order of the House, the gentleman from Virginia [Mr. BLILEY] is recognized for 30 minutes.

Mr. BLILEY. Mr. Speaker, today one of this body's most esteemed and well-respected Members, my good friend and colleague D. French Slaughter, Jr., is retiring after representing the people of Virginia's Seventh District for 7 years. Seventh District constituents are extremely fortunate to have been able to call French Slaughter Congressman because he provided them with the finest possible representation in Washington. The Richmond Times-Dispatch said it best—"If Washington were dominated by political leaders who shared Representative Slaughter's values, the Federal Government would be far more responsible, effective and economical than it is." Mr. Speaker, at this time I would like to insert that Richmond Times-Dispatch editorial into the RECORD.

French has devoted a great part of his life to serving the people of Virginia. He served two decades in the Virginia House before coming to Congress. During those many years of public service, French has remained true to his conservative beliefs. He never sought the limelight, but quietly worked behind the scenes to help steer his colleagues toward enacting sound, fiscally conservative policy.

Although the name D. French Slaughter, Jr., may not be well-known beyond the borders of the Commonwealth of Virginia or outside of the Halls of Congress, the Slaughter legacy is renowned throughout the beautiful country of the Seventh District. That is because French never forgot that a Member of Congress' most important responsibility is always constituent service. He never failed to put first the interests of the people who sent him to Washington.

I feel very fortunate to have had the opportunity to serve with such a fine Member of Congress. I also feel very fortunate to be able to call this Virginia gentleman a loyal friend. This body, and especially this Member, will miss French's friendship and guidance very much.

On November 5, the people of the Seventh District paid a great tribute to French Slaughter's legacy by electing GEORGE ALLEN to follow in his footsteps. When the voters elected ALLEN they affirmed the great degree of respect they have for their former Representative. They chose to send someone to represent them who will continue to be a conservative voice in Washington in the finest French Slaughter tradition.

The article referred to follows:

[From the Richmond Times-Dispatch, July 2, 1991]

THE PEOPLE LOSE

With the resignation of Republican Representative D. French Slaughter, Jr. of the 7th Congressional District, the American people will lose the services of one of the most highly principled conservatives in public office. If Washington were dominated by political leaders who shared his values, the federal government would be far more responsible, effective and economical than it is.

Throughout his political career, first as a Virginia legislator and then as a congressman, Representative Slaughter has been guided by the belief that government has a limited function to serve in the affairs of men. But whatever the government needs to do, it should do well and at a reasonable cost. Isn't this the essence of responsible government?

French Slaughter is not a showman. When he went to Congress he did not assume that he had mounted a stage, there to emote for the media. A quiet and modest man, he went about his duties so unostentatiously that he attracted little notice. But his constituents knew about his good work and rewarded him appropriately on every congressional Election Day.

They knew, too, about his moral and philosophical steadfastness, which he dramatically demonstrated a year ago when Congress invited Nelson Mandela, leader of the black African National Congress in South Africa, to address a joint session. Honoring a man whose organization has been trying to murder and torture its way into political power was something Representative Slaughter could not condone. He boycotted the speech.

It is profoundly distressing that failing health is forcing this uncommon congressman to resign. He deserves our gratitude for his many years of service, and our best wishes for the future.

Mr. Speaker, at this time I yield to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. I thank the gentleman for yielding. I want to thank the gentleman for taking out this special order for our friend, D. French Slaughter.

Mr. Speaker, all of us who represent the Commonwealth of Virginia in the House of Representatives are saddened by the untimely resignation of our good friend, D. French Slaughter. All of us who know French and had the honor of working closely with him know that he is an honest and hard-working and very capable Virginia gentleman. He has served the Seventh District of Virginia in Congress for nearly 7 years, and he took special pride in the quality of services that he provided for all of his constituents. No problem was ever too small or too insignificant for him to look into and take care of, and he solved many problems for his constituents back home.

□ 1650

Mr. Speaker, Congressman Slaughter was a champion for the need to balance our Federal budget. He recognized that this was the greatest need that we in this country and we in this Congress

have, and we in Virginia will continue to work to achieve this goal of a balanced budget for this country, just as we currently do in the State of Virginia.

Mr. Speaker, he also authored major legislation to preserve Civil War battlefields that are important to us in Virginia and important to our history in America.

Congressman Slaughter had a long and distinguished career in Virginia before coming to Congress in 1985. He served in the Virginia House of Delegates from 1958 to 1978, where he had numerous achievements, but his greatest achievement perhaps was the crafting and guiding of the legislation that gave us our Virginia community college system, and for that all Virginians are grateful.

Mr. Speaker, I arrived in Congress a few years after French Slaughter, and though we sometimes differed in our votes, I always thought we shared a great deal in common. We both love Virginia and consider it a great honor to serve the Commonwealth in Congress. We are both alumni of the Virginia Military Institute and, as well, alumni of the University of Virginia, and I was privileged to share a platform with French Slaughter in 1989, at the Tomb of the Unknown Soldier in a ceremony commemorating VMI's 150th anniversary. It was a very memorable day for me. It is one that I will always treasure the memory of, especially the memory of sharing that with French Slaughter.

Mr. Speaker, Congressman Slaughter represented a rural congressional district, just as I do, and he was always mindful of the special needs and the concerns of those who chose to live in rural America. I consider Congressman Slaughter a friend, and like many of us in this Chamber I will certainly miss him. We all wish him well as he enters retirement from the rigors of the long public life that he led and loved, and we all thank him for being such a fine public servant.

Mr. BLILEY. Mr. Speaker, I yield to the gentleman from the Fourth District of Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY].

Mr. Speaker, I rise today to join in this most appropriate tribute to our colleague and friend D. French Slaughter, Jr. who recently retired from this body after four terms of service in behalf of the citizens of Virginia's Seventh District.

Not only have I had the pleasure of serving with Congressman French Slaughter, I also fondly recall serving with him in the Virginia General Assembly when we both had the title "Delegate" in front of our names. But whether in the general assembly or in Congress, some fundamental things about French have remained un-

changed. I am referring to his kindness, his deep commitment to good government, and his thoughtful approach to fulfilling his responsibilities as a public servant.

Although soft-spoken and deliberate, there's never been any doubt about French's depth of conviction. That explains why his constituents in their wisdom saw fit to return him to office time and time again with overwhelming margins of victory. In short, French was one of those rare breeds: A politician that voters actually liked.

As French moves on to what I hope will be a satisfying retirement, I just want to wish him well and congratulate him on a distinguished career.

Mr. BLILEY. Mr. Speaker, I yield to the gentleman from the First District of Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Speaker, I rise to pay tribute to a Virginia colleague and a dear friend, French Slaughter, who has just stepped down because of ill health after 7 years of distinguished service in this Chamber.

French and I have twice been colleagues. He was first elected to the Virginia General Assembly in 1958, and during 10 of my 14 years in the Senate of Virginia, French was on duty in the house of delegates, serving on some of its most important committees. In the Congress, he joined our ranks in 1985, just 2 years after I came to Capitol Hill.

In each of his terms of office, French has served with a quite dignity and integrity which have been his hallmarks. Never one to waste words, French always observes carefully, thinks clearly, and speaks with conviction. As a result, he has commanded the respect of all who have known him.

French served in the U.S. Army with honor and distinction in Europe in World War II, receiving the Bronze Star and the Purple Heart. After the war he completed his college education and earned his law degree at the University of Virginia. He retained close ties to the university throughout his life, serving as president of the alumni association and as a member of the board of visitors, and finally representing the university community in Congress for 7 years.

Here in the House, French was an able member of the committees on Science, Space, and Technology; Judiciary; and Small Business.

In everything that he has undertaken, French has been a dedicated and thoughtful servant of the people of his area of Virginia. Both they and he can take pride in the work that he has done.

French will be missed by all who have had the privilege of knowing him here, and by no one more than this representative of a neighboring district. I know my colleagues join me in wishing our friend improved health and a long and fruitful retirement.

Mr. Speaker, I also welcome to our ranks French Slaughter's successor, the gentleman from Virginia [Mr. ALLEN], who will serve in the very distinguished tradition of the Burr Harrisons, the Jack Marshes, the Ken Robinsons, and now the French Slaughters. We welcome him to our ranks, and look forward to serving with him in a distinguished career.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from Virginia [Mr. BATEMAN] for his eloquent remarks, and at this time I yield to the gentleman from Virginia [Mr. ALLEN] who has succeeded so ably, Mr. Slaughter.

Mr. ALLEN. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY], my friend from the Third District, for yielding.

Mr. Speaker, I appreciate the gentleman from Virginia [Mr. BLILEY] holding this special order to honor my predecessor from the Seventh District of Virginia, Congressman D. French Slaughter, Jr. He is a friend of mine. I had the honor of nominating Congressman Slaughter in 1984, to serve in the Seventh District in Congress. Other Members have talked about his legacy and his work. He did serve 20 years in the General Assembly of Virginia in the house of delegates. He is known as a founder of the Virginia community college system, and since I have his office right now, we have pictures of all the community colleges in Virginia in the Seventh District of which he was a founder. Also at the University of Virginia he was rector of the University of Virginia, and of course he served 7 years in the House of Representatives here where he stood for strong conservative principles and good ideas, such as the health care IRA's.

Mr. Speaker, Congressman Slaughter's legacy will be his uncompromising integrity, his honesty, his uncommon character and devotion to duty and to principle. He is indeed a model for me, and for everyone and all people who would want to serve as public servants.

Mr. BLILEY. Mr. Speaker, I yield to the gentleman from the Tenth District of Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I want to thank the gentleman from Virginia [Mr. BLILEY] for yielding.

Mr. Speaker, I want to rise and say farewell and good-bye to French Slaughter. French is a Virginia gentleman. As the gentleman from Virginia [Mr. ALLEN] said, he is a fiscal conservative.

Mr. Speaker, Politics in America, I think, sums it up very much when they said that French Slaughter is an experienced student of the legislative process. Having served two decades in the Virginia House before coming to Congress, he has been known to spend some time in the House Chamber observing floor debate and then offering insights to harried colleagues who ar-

rive on the floor and need an update on matters being considered. French is one of the most honest, decent, ethical, moral men that has served in this body.

Mr. Speaker, I think it truly can be said that he was a gentleman and a scholar who has served in a fine tradition of J. Kenneth Robinson, and before that, Jack Marsh, who went on to be the Secretary of Army, and I just want to say, if French is watching, two things:

"French, we just wish you well, pray for you and ask that the Lord bless you and keep you, and know that you will be missed in this body by so many. God bless you, French."

□ 1700

Mr. BLILEY. Mr. Speaker, I yield to the gentleman from the Second District of Virginia [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, I want to thank the gentleman from Virginia [Mr. BLILEY] for organizing this special order to honor our retiring friend and colleague, French Slaughter.

This institution will certainly miss French Slaughter. Ever since his election to Congress in 1984, French served the people of Virginia's Seventh Congressional District with integrity, with intelligence, and with the force of someone who holds deep convictions and high ideals.

French Slaughter will be remembered for his work on the Science and Technology Committee and Judiciary Committee. He was a friend to the elderly, and committed to a Medicare Program that is fair and more efficient. I remember him coming to this floor many times to warn of the need for reform of our Medicare and Medicaid Programs.

And in the very best traditions of Virginia, French Slaughter was a great fiscal conservative. He understood that government cannot be all things to all people and that it should not try.

Yet, French Slaughter is someone who does understand that government can play a positive role in people's lives. As a member of the Virginia General Assembly in the mid 1960's, he was a major force in helping move through the General Assembly legislation that established Virginia's outstanding program of community colleges.

Although we were longtime friends, French and I did not always agree on every issue. But even in disagreement, French was always a gentleman. He was always willing to listen to the views of others and to treat their views with respect and dignity.

French was a good lawyer, a fine legislator, and I wish him well in his retirement.

Mr. Speaker, Virginia's Seventh Congressional District includes Charlottesville, which was the home of Thomas Jefferson. It is certainly appropriate that this area was represented for so

long by a Virginia gentleman like French Slaughter.

Again, I thank the gentleman from Virginia [Mr. BLILEY] for taking out this special order.

Mr. BLILEY. Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, I yield to the gentleman from the Eighth Congressional District, the Honorable JIM MORAN.

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

Mr. Speaker, I rise to recognize my colleague Frank "French" Slaughter, on his retirement from the House of Representatives and for the 34 years of service he has given to the Commonwealth of Virginia and to the United States of America.

Representative Slaughter was first elected to the Virginia State House in 1957 and since then has watched Virginia grow into the progressive, effective, and fiscally responsible Commonwealth it is today. Representative Slaughter was an important part of that development and played a large role in both establishing Virginia's outstanding modern education system and in the creation of Virginia's model community college program.

A man of principle and a long time bulwark of Virginia conservatism, Representative Slaughter will always be a respected figure in State and national politics. He will be missed by his colleagues here in the House and by the citizens of Virginia.

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

In conclusion, I want to thank all of my colleagues from Virginia for participating in this special order, and also particularly want to thank the patience and understanding of the gentleman from Michigan [Mr. WOLPE], who allowed us to precede him in his tribute to French Slaughter.

Mr. MICHEL. Mr. Speaker, I'm honored to be able to join with our colleagues in paying tribute to a fine gentleman of the House, our colleague French Slaughter. French decided not to run for reelection, and we are going to miss him around here.

"Politics in America," edited by Alan Ehrenhalt, had this to say about French Slaughter:

He is an experienced legislator given to serious thought, and he likes proposing answers to tough public questions—always maintaining the fiscal conservatism that is the hallmark of Virginia politics.

Those of us who have worked with French recognize his virtues in that summation.

He came to the House after long and distinguished service as a member of the Virginia Legislature.

Like so many of our colleagues who come to us from a similar legislative background, French did not have to go through the initial period of adjustment when he became a Member of the House of Representatives.

He knew, from experience, the difficult work of a legislature. He was off to a running start and able to serve his constituents, the House, and the country immediately.

His committee assignments, on Judiciary, Science, Space, and Technology, and Small Business, showed the range of his interests.

He has been willing to ask those tough public questions about everything from health care savings accounts to helping small business escape what he correctly sees as senseless paperwork requirements.

Amidst the usual sound and fury of the House, there are always a few members whose quiet, dignified, patient dedication to duty mark them as someone special. French Slaughter is one of these Congressmen.

He is content to work rather than talk, and to maintain high standards instead of a high profile.

French, your decision to retire was carried out with the grace, the courtesy, and the concern for others that have marked your political career from the beginning.

We are delighted to have GEORGE ALLEN as a new Congressman from the Virginia Seventh. But I just want French to know that I join with so many Members, on both sides of the aisle, in bidding farewell to a true Virginia gentleman.

Mr. DREIER of California. Mr. Speaker, it is often said that history will be our final judge here on earth. As Members of Congress, we can be sure that academicians and students of our political system will one day review the work we have done here, and we all hope that they will approve of our efforts. If my experience is any judge, I believe that history will find that French was ahead of his time in advocating policies that the American public strongly support.

One of French's primary contributions was his work on the Health Care Savings Account Act, which could have a profound impact on the way Americans finance their health care needs upon retirement. It could potentially have solved the long-term funding crisis projected for the Medicare trust fund while, at the same time, providing alternative investment strategies and improved competition and efficiency for goods and services in the health care markets.

French's goal was to see that workers would be allowed to establish a special tax-free savings account—similar to an individual retirement account. Workers would be allowed to contribute each year to this account an amount equal to 2.9 percent of their taxable Social Security income. Workers would also receive a 60-percent income tax credit incentive for such contributions to these new accounts. Funds would continue to accumulate tax-free investment returns during retirement years.

Workers would use the funds accumulated in their health care savings account to purchase private medical insurance and/or pay for health expenses during retirement years. Workers who exercised the health care savings account option to specified minimum levels would also receive catastrophic coverage under Medicare, with day limits and increasing coinsurance fees under Medicare eliminated, and the SMI coinsurance fee capped.

The health care savings account option could potentially solve both the short-term and long-term financing problems of Medicare hospital insurance [HI] without tax increase, freezes on providers or benefit cuts. This is

because payroll revenues earmarked for Medicare would be maintained in full, but Medicare expenditures would be reduced as more and more workers exercise the health care savings account option and use these funds for their medical expenses during retirement years rather than Medicare.

French was a strong proponent of measures which would improve the efficiency of our Government and Congress. He worked tirelessly to convince the House to approve a balanced budget amendment to the Constitution. His object was to control spending and introduce some accountability into the House and Senate budgetary process.

French also was a proponent of our small business community. As a colleague of mine on the House Small Business Committee, I saw first hand his efforts to improve the competitiveness of the backbone of the American economy. French served as the chairman of the Subcommittee on Procurement, Tourism and Rural Development, and won more than a half-dozen Golden Bulldog awards for his economic record. He was always cited by the chamber of commerce, the National Federation of Independent Businessmen, and other pro-free-market groups around the country as a friend of our small businessmen.

The bottom line is simple. During his time in Congress, French was a true fiscal conservative who continued to enunciate the policies of his predecessor Thomas Jefferson. He believed that the Government had no right to take away the hard earned income from ordinary Americans. He believed that the average citizen could make better decisions than the Government when it came to fiscal responsibility. And French believes, as I believe most Americans do, that the government which governs best, governs least. I can only hope that my colleagues in this House will follow the example of our friend French Slaughter, and we all wish him well in his retirement.

Mr. CRANE. Mr. Speaker, it is unfortunate, indeed, for the House of Representatives and for the country that our colleague, D. French Slaughter, Jr., has decided to step down and retire from this Chamber. We certainly want to congratulate him for caring more for his constituents and his country than for his own interests in voluntarily taking leave of office for health reasons over a full year ahead of the conclusion of his 2-year term of office. Many a person would have held on tenaciously to the office and title until the last minute, allowing their ego to lead the best interest of their country.

Congressman Slaughter was a symbol of dignity as he served so very well in the House of Representatives. His constituents were ever uppermost in his deliberations and votes. He fought the good fight to hold down the waste of taxpayer dollars. And the residents of the Seventh District of Virginia whom he served must be well aware of his struggle in opposition to tax increases. He was a fiscal conservative in the tradition of the Commonwealth of Virginia. And he fought to protect the rights of the individual.

French Slaughter leaves behind him a record each of us can envy.

Mr. GALLO. Mr. Speaker, a good friend and colleague recently retired after a distinguished career as a Member of this body and it is fit-

ting that we should honor him for his commitment to good government and for his tireless efforts on behalf of his constituents—which is, after all is said and done, the highest calling for each of us who hold elective office.

I am pleased to join with the Republican whip, Mr. GINGRICH, and my colleague from Virginia, Mr. BLILEY, in recognizing D. French Slaughter for his years of service to the people of the Seventh District and the Commonwealth of Virginia.

D. French Slaughter is truly a Virginia gentleman and his kind words will be greatly missed in the Halls of Congress.

French and I arrived in Congress on the same day, January 3, 1985, during the stormy first days of the 99th Congress, when a disputed House race in Indiana divided this body over the question of who should decide the outcome.

During the later-night sessions caused by this dispute, French and I had occasion to spend our dinner break in conversation—the first of many dinner conversations that we shared in the years since.

Because we each served in State government before coming to Congress, we shared a similar perspective on the legislative process. French always had a keen eye for the nuances of the floor debate and his insights were valuable.

He has always been a student of the process—a valuable skill to have as a member of the minority party in Congress.

His career of public service spans more than three decades but his commitment to the principles of democracy will go on with him in the time to come.

Mr. Speaker, I am proud to join with my colleagues in recognizing a quiet mover for good government; a good friend, and above all else, a real gentleman—the Honorable D. French Slaughter of Virginia.

Mr. SCHULZÉ. Mr. Speaker, I am pleased to pay tribute to my recently retired colleague French Slaughter, but at the same time, I am sorrowful over his untimely departure from this forum of governance. He is an unassuming champion of candid leadership, fiscal responsibility, and constituent responsiveness in every regard.

French's voice was silent except by devoted example when, as a Virginia Military Institute graduate, he shipped out to battle during World War II in the European theater. His service there merited the Bronze Star and a Purple Heart.

French's voice on critical issues is replete with the heritage of liberty. The Virginia Commonwealth's Seventh Congressional District encompasses the countryside called home by the sage of Monticello—Thomas Jefferson. In the best traditions of this founding patriarch, French Slaughter expanded this region's contributions to the establishment of individual liberties; his track record earns respect to the occupation of public representation.

French was a voice against the big-spending shenanigans which often plague this assembly. He knows that when you spend more than you take in that there is a day of reckoning. The only hope our country has of getting out of debt is by having the kind of leadership French demonstrated during his 7-year tenure in the House and his 20 years in the Virginia House of Delegates.

It is a sad day to lose the precious talents and sterling character embodied in French Slaughter to faltering health. My consolation is in the hope for his speedy recovery and in my confidence in his successor, Congressman GEORGE ALLEN. As did the retired sage of Monticello, I am certain that the sage of Culpeper is actively pursuing the finer intrinsic occupations life has to offer. I shall miss French Slaughter's insightful and on-target leadership.

Mrs. MORELLA. Mr. Speaker, I rise to pay tribute to an esteemed colleague and Virginia gentleman, D. French Slaughter, Jr., on his retirement.

Representative Slaughter was elected to Congress after having served 20 years in the General Assembly of Virginia. He was the architect of Virginia's outstanding community college program. As a former college professor with an abiding interest in education, I am grateful for this major contribution to our Nation's education system.

Representative Slaughter devoted his life to serving his constituents. He was hard-working and took great pride in the quality of his service. He unostentatiously performed his duties, and the electorate rewarded him by repeatedly returning him to office.

Throughout his four terms of service in behalf of the citizens of Virginia's Seventh District, he exhibited a thoughtful approach and a deep commitment to good government. He believed that an effective government was both responsible and economical. He confronted difficult issues such as health care and small business, working to establish health care savings accounts and eliminate needless paperwork. I am privileged to have been his colleague on the Science, Space and Technology Committee.

I wish French Slaughter well on his retirement, and I thank him for his years of devoted public service. As a friend and colleague, he provided quiet counsel and a dignified example as a concerned and effective legislator.

Mr. BALLENGER. Mr. Speaker, I would like to take a moment to express a few words about one of the finest gentlemen I have come to know: my former colleague, French Slaughter.

During the 5 years I have been in Congress I have met and gotten to know a number of fine individuals. French, however, by far is one of the finest. He is the embodiment of a southern gentleman. Highly respected and admired, French is a man of his word. Never did the highly partisan political games played on Capitol Hill taint French Slaughter. He always maintained his dignity and integrity. The term "Honorable" truly describes French Slaughter.

French aptly represented his constituents, and while his successor, I'm sure, will also represent well the people of the Seventh District of Virginia, he will find French's shoes difficult to fill.

I miss French Slaughter. I value his friendship and wish him all the best in the future.

Mr. BUNNING. Mr. Speaker, I would just like to say a few words to honor and pay tribute to our colleague, French Slaughter who retired this year.

French Slaughter is going to be missed in this body. A true gentleman, a quiet, patient, yet thorough and thoughtful legislator and a

genuinely nice person—that is French Slaughter.

Showboating and 1 minute sound bites have become a way of life for many participants on the political scene today but French Slaughter never subscribed to that particular volume of our changing times. When he left here, as when he came here, he was content to rely on quiet, dignified dedication to duty to get the job done. And we are going to miss that.

I would like to thank French for what he has contributed and it has been significant, and I wish him all the best in his well-deserved retirement.

Mr. SPENCE. Mr. Speaker, the retirement of our distinguished colleague, French Slaughter, takes from our midst here in the House a statesman and honorable colleague of the first order. Of course, declining health precipitated his decision to retire, but I feel that in the months and years ahead he will continue to be a strong voice of reason and soundness of matters affecting our Nation.

Like so many of our colleagues, I am going to miss French Slaughter and the wise counsel that he brought to the legislative process. Throughout his career, the interests and well-being of the American taxpayer and his constituents were first and foremost in his mind. Like so many brave and wise Virginians who preceded him, like Howard Smith, Harry Byrd, and Harry Byrd, Jr., French believed that government was created to serve, not to reward those who refuse to return something back into society.

During his career, including outstanding service in defense of America during World War II, French has always put America first. He is an unselfish patriot in the finest tradition of our country and the sovereign State of Virginia, which he so nobly served for many years.

Mr. Speaker, I will miss French Slaughter. All of us will miss the gentlemanly manner in which he approached matters before the Congress. I wish him well in all of his future endeavors and can only say, French, well done and Godspeed.

Mr. McMILLAN of North Carolina. Mr. Speaker, I rise to pay tribute to my friend and colleague, D. French Slaughter, who has been forced into retirement by ill health.

I spent 6 years of my life in French's district. I know he is a natural product of the solid long-standing values of the northern Piedmont of Virginia. Values that produced Jefferson, Madison, Monroe, and contributed so importantly to this Nation.

French derives from the same roots. A true gentleman with a high sense of duty, respect for his fellows and an unwavering belief in the rights and obligations of the individual. Historically, these values have been widely accepted in Piedmont, Virginia. They don't need promotion; they are innate in the gentleman from Virginia.

French has always held true to those values without fanfare, quietly serving his country in World War II, in the Virginia Assembly, and the U.S. House of Representatives. His conservatism was based on deeply felt beliefs, not political opportunism.

We will miss him and we wish him Godspeed.

Mr. COBLE. Mr. Speaker, French Slaughter and I came to Congress in the same year,

1985. I am from North Carolina and he is from Virginia. There is about 5-years difference in our age. We are both lawyers. We both served in our State legislatures prior to coming to Washington. We were both appointed to the Committee on the Judiciary. As you can see, there is a lot of similarity between HOWARD COBLE and my good friend, D. French Slaughter, Jr. I will miss my colleague from Virginia.

Upon our arrival on Capitol Hill, we immediately became good friends and dependable allies. Perhaps it was our similar backgrounds and interests. Whatever the reason, I relied on French Slaughter for advice and counsel. We worked together on issues of importance to our States and region. I particularly enjoyed the working relationship we forged on the Judiciary Committee. We were seatmates on that panel, and it was comforting to have French next to me as we battled some tough issues which came before the committee. I will miss having him seated next to me.

The people of the Seventh District of Virginia can be proud of the performance of their Congressman. French Slaughter was an asset to his district, State and Nation. We wish him all the best in his retirement years. Thanks, French, for all that you did for me.

Mr. DICKINSON. Mr. Speaker, I would like to use this occasion to add my words to those of my colleagues honoring Representative French Slaughter. I know that others in this chamber will miss his quiet, considered judgment. French Slaughter is a workhorse, not a showhorse. Many of us have come to rely on his knowledge of the legislative process acquired during 20 years in the Virginia House and his 7 years in Congress.

French Slaughter, who, like me, found his home in the Republican party, has always attacked the tough questions, guided by his conservative principles. He has provided leadership on several issues about which he cares deeply, especially in the area of education, where his interest is well known to the people of Virginia. He has chaired the Virginia Community College Commission. Another of his priorities has been health care, particularly from a private sector approach.

He is a classic conservative and has represented the values of the people of his district, from the apple farmers of Winchester, the residents of the Blue Ridge Mountains, and the people of Richmond's suburbs.

French Slaughter is a true Virginia gentleman, one who has earned the respect of other Members and of his staff. He will be missed by this body and by those he has so ably served.

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

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

There was no objection.

LEGISLATION PROVIDING RELIEF FOR RESIDENTS OF LORTON, VA, REGARDING I-95 LANDFILL

The SPEAKER pro tempore (Mr. COOPER). Under a previous order of the House, the gentleman from Virginia [Mr. MORAN] is recognized for 5 minutes.

Mr. MORAN. Mr. Speaker, I have recently introduced legislation regarding the I-95 landfill located in Lorton, VA, some 20 miles south of the Capital. This important bill will provide desperately needed relief for those residents of Lorton who have had to live with a continually expanding dumpsite in their backyards.

The 101st Congress passed legislation that would have required an environmental impact statement [EIS] before the Lorton dumpsite could be enlarged. This language was dropped in conference with the Senate because the Fairfax County Board of Supervisors assured the Congress that Fairfax County would conduct its own study. For a variety of reasons, this study was never completed. Therefore, this legislation simply reinstates the requirements that an environmental impact study must be completed before any further expansion of this solid waste landfill.

There have been concerns for many years that the I-95 sanitary landfill in Lorton, VA, may be discharging leachate into the surface water of Mills Branch, a tributary of the Potomac River. Not only does this affect the citizens of Lorton who are concerned with the continued viability of their neighborhoods, but it also affects the health of the Chesapeake Bay. According to the Chesapeake Bay Protection Act, any possible source of pollution affecting the bay must be prevented to the fullest extent possible.

Much of the waste generated by Federal facilities in the Washington metropolitan area is disposed of at the I-95 sanitary landfill and other municipal landfills in the same area. Few Federal facilities in the Washington metropolitan area have waste management plans, and the plans that do exist are not coordinated among agencies of the Federal Government or with the local governments in which they are situated. It is incumbent upon the Federal Government, which contributes much of the waste filling the landfill, to have a much better recycling and waste disposal program.

This measure will help the Government establish more cohesive and effective waste management plans. It requires that the General Services Administration conduct a study on the feasibility of a centrally administered solid waste management plan for Federal facilities in the Washington metropolitan area. I doubt that any Member of this Congress would question the need and desirability of such a study. I would urge my colleagues to cosponsor

this important legislation that addressed both a problem in my own district, and the much greater difficulty of disposing of the Federal Government's waste in a responsible manner.

TRIBUTE TO EARVIN "MAGIC" JOHNSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. WOLPE] is recognized for 60 minutes.

Mr. WOLPE. Mr. Speaker, for more than a decade, Americans everywhere have thrilled to the legendary basketball exploits of Earvin Johnson. And we have all recognized that it is not Magic's athletic abilities alone that have made him stand out as a superstar among superstars—but his character, his incredible zest for life, his wonderful enveloping smile, both on and off the basketball court. Magic has a very special way of making all of us feel good about ourselves and about life. His joy is contagious.

But nowhere have these characteristics of Magic been more deeply appreciated than in his hometown of Lansing, MI. For, as Fred Stolby, Jr., a former Lansing State Journal sportswriter who nicknamed Magic in 1975, put in the other day, "Earvin is Lansing. He belongs to his parents, but he belongs to Lansing, too."

Magic is Lansing's own special ambassador, and it is difficult to express in words the enormous pride all of Lansing feels for this remarkable individual. The Lansing State Journal perhaps expressed this best when last Friday it devoted its entire front page to the stunning announcement of Magic's HIV infection and his retirement from professional basketball.

As you might imagine, in a community of Lansing's size, there is hardly anyone who has not been entertained by Magic's artistry on the basketball court, or been the beneficiary of his countless acts of kindness and generosity. Everyone has his or her own Magic anecdote:

Magic's taking a seat in the balcony of his church to avoid distracting the congregation, and then after the service, engaging in fellowship with the youngsters;

Magic's helping to establish the Magic Ride, a local bicycle tour that over 9 years has raised \$1 million for child abuse prevention;

Magic's public service announcements and participation in antidrug events;

Magic's recent appearances in a film promoting citizen involvement in government;

Magic's summer youth basketball camps; and

Magic's dedicating his 1990 NBA Most Valuable Player Award to Greta and Jim Dart, who were his fifth grade teacher and his first basketball coach.

But what we in Lansing most appreciate is Magic's very special way with children. This last weekend a friend of mine recalled the day she encountered Magic at a shopping mall. Magic had returned to Lansing to attend the funeral of a close family member, and was taking a few moments to do some shopping with his mother. A couple of children approached him with the usual awe, and wanted to engage him in conversation. Magic knelt down and said, in a confiding way, "Kids, you know how sometimes your mother wants you to do something, and you may not want to do it at that moment, but you know you should. You know how mothers are! Well, today I'm spending some time with my mother—so I really can't take time out to talk with you now. But let me give you an autograph. How's that?" And the kids went off, beaming feeling now a part of Magic's own family.

So we in Lansing have long recognized Magic's great gift of joy and zest for life. And we have felt enormous pride in his accomplishments and the national acclaim he has won. But I think it is fair to say that never have we felt greater pride in our local hero than this past week. The headline in the State Journal said it all: "Magic Finishes Greatest Assist in his Life." Jack Ebling, Lansing sports writer, put it this way:

For the first time since 1974, the men and women who know him wouldn't want to switch places with him. Not that any of us could have. There's not that much magic in the world.

There was just enough for a contemporary hero to conduct another clinic Thursday—this time, on composure and courage.

He decided to do what he'd always done best—lead the way and make others better.

Smiling when others were crying, he said he'd be around a long time, long enough to own an NBA team, in addition to the hearts of millions of admirers.

And reaching out when others were striking out, Johnson said he'd be an international spokesman for safe sexual practices.

In ancient times, they shot the messenger when the news was bad. Today, it's time to save him, along with an untold number of long-ignored victims.

In Johnson, AIDS patients present and future, had their prayer for attention and research-funding answered from the heavens—in perhaps his greatest assist.

Mr. Speaker, just as we draw inspiration from Magic's resilience and spirit, from—in Tony Kornheiser's words—Magic's joie de vivre, so should we draw new understanding of just what it means to be afflicted with the AIDS virus, new sensitivity to the pain and anguish suffered by all carriers of the AIDS virus and their families and friends. Surely the suffering, and the need for love and support, are no less if those who are victimized are homosexual rather than heterosexual. Surely now we understand that none of us is invulnerable. In Magic's words, "It can happen to anybody, even me, Magic

Johnson." AIDS respects no boundaries—be they of gender, race, or sexual preference. We are all potentially at risk, and it is time that we Americans put aside our fears and prejudices and hatreds, and join together in battling this terrible disease. It is my deepest hope that a new sense of national unity and common purpose will emerge from Magic's ordeal, and from the inspiration and encouragement he continues to provide to us all.

□ 1710

Mr. McMILLEN of Maryland. Mr. Speaker, will the gentleman yield?

Mr. WOLPE. I am pleased to yield to the gentleman from Maryland.

Mr. McMILLEN of Maryland. Mr. Speaker, I commend the gentleman from Michigan [Mr. WOLPE] for recognizing one of the true American heroes. Likewise, I was privileged to write an op ed in the New York Times on Saturday about Magic Johnson. It is called "Magic Now and Forever."

Mr. Speaker, I would like to insert it in the RECORD.

[From the New York Times, November 9, 1991]

MAGIC, NOW AND FOREVER

(By Tom McMillen)

WASHINGTON.—I first met Earvin Johnson as he was racing me down a basketball court. Magic had the ball, and I was running backward on defense—not an appropriate time for an introduction. As he faked one way and passed another I saw both the ball and my ego pass by me on the basketball court.

After his teammate scored Magic flashed that signature smile that told me there was something special in this player.

It is easy to beam confidence in the world when you're on top of it. It is truly remarkable to show that kind of poise when you're telling the world you have the AIDS virus.

Magic has given America many memorable performances, but his comments this week demonstrated that he is more than just a gifted athlete; he is an extraordinary, courageous individual.

America is always transfixed when a story like this jumps from the sports pages into a major news event. I remember the night that Len Bias, the University of Maryland's basketball star, died of a cocaine overdose. I was expecting to meet him at a political event in Washington; he never arrived.

There are certain events in sports and in our lives that seize the attention of the nation and change the way we view the world. They remind us that these stars of the court and field who seem to perform superhuman feats are sometimes all too human.

The tragedy of Magic Johnson's contracting the AIDS virus is difficult for America to face for a lot of reasons. America does not want to see flaws in its heroes—only clean, simple perfection. We have also been reluctant to admit some of the grim facts associated with AIDS.

The news of Magic's infection is also reaching corners of our society that have either shunned the danger of AIDS or have written it off as "their" problem—meaning gays or drug users. This brings AIDS into every home in a way never dreamed possible. How many people did we see on television Thursday night saying, "I just can't believe it happened to Magic"?

But just as Len Bias's death sparked a new awareness among our nation's youth about the dangers of cocaine, Magic's personal ordeal will have a significant impact on the debate. Magic can reach the people who are among the highest risk groups to contract the AIDS virus: teen-agers. The safe-sex lectures will now be more than just an abstract message to young people, whose sense of invulnerability has made "safe sex" seem a hollow catch-phrase. For them, the face of AIDS is changed forever.

It is very hard to admit that some benefit can come from this adversity. But as the shock of Magic's tragedy begins to wear off, the analyzing will begin. Serious questions of public policy have yet to be resolved in our nation.

There are forces in America opposed to increased financing for education about the disease, opposed to candid talk about how it spreads, opposed to any discussion of AIDS among young people. One person even testified before Congress that all people with the disease should be placed on an island somewhere in the Pacific Ocean. All that will change now. America responds to symbols and Magic will be impossible to ignore.

It's sad that it takes a celebrity's misfortune to raise the awareness of the public and Congress to such a severe health crisis. It is not a time to eulogize Magic, but to support and pray for him. But I also have a feeling that he will have a profound effect not only on the public but lawmakers as well.

I've seen him work his magic on the court and look forward to the day when that smile makes its way to Capitol Hill. It is incredibly rare when an honest-to-goodness hero comes to Washington to tell his tale. The most formidable and heroic advocate for AIDS education in America has just stepped forward.

Mr. WOLPE. Mr. Speaker, let me express my appreciation to the gentleman from Maryland [Mr. McMILLEN] for taking this time to join me in this special order and to share the op ed that has appeared already in the New York Times. I think it is a very eloquently stated piece, and I hope it enjoys a very widespread readership.

CONGRESS-BASHING AND THE STATE OF POLITICS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCCLOSKEY] is recognized for 60 minutes.

Mr. MCCLOSKEY. Mr. Speaker, one of the most popular avocations in America, if not the planet, is Congress bashing. Columnists, talk show hosts, cabdrivers, and the proverbial man on the street, in fact, nearly everyone is having laughs at the expense of Congress. Maybe this is not so bad. We all need some laughter. And many of the concerns expressed humorously are real and must be addressed. I find it particularly intriguing that some of the most energetic Congress bashers are ourselves. Many of our own Members of Congress are leaping on the bandwagon and leading the charge against themselves. Also making strong efforts in the Congress-bashing sweepstakes interestingly enough are our two top elected officials.

There is much that needs to be improved upon in our public and private lives and in the collective workings of this institution.

Strong and even severe criticism which is cogent and constructive is immensely justified and needs to be encouraged.

There are many challenges we must face as a people and for which we must hold our Government accountable:

Why is so much of our health care system in shambles and so many Americans unable to afford basic health care?

Why are so many skilled American workers and family breadwinners suddenly unemployed and pounding the pavement looking for new jobs?

Why are all major indications showing our economy is losing its competitive edge worldwide?

Why are too many of us preoccupied with reelection and fundraising?

Much needs to be reformed and improved upon, but in doing that let us not destroy one of the most noble institutions ever known to mankind.

To serve in the U.S. Congress, is one of the most singular honors a human being can achieve.

To demean this institution is to demean our history. It is to demean ourselves. But, more importantly, it is to diminish our Nation's future hopes as thousands of young leaders vitally needed for future challenges are turned forever from serving.

□ 1720

Most of our lives and futures are to some degree or another set. But that is not the case with our children and more importantly our Nation's need for future leadership.

Though periodically vilified and criticized due to policy failures or excess, the House and Senate, in full and equal partnership with the administration, has led the country through war and peace, prosperity and adversity. The American experiment with democracy admired around the world, allows each and every American a voice, a vote, in determining the governance of this Nation.

Today we are witnesses to the organized wholesale demolition of the integrity of the American governmental system.

Criticism and demagoguery is not directed toward improvement and growth but toward the denigration of the institution of the Congress. This is an irresponsible sowing of the seeds of disenfranchisement which could well be reaped in the not too distant future.

A prime example of this overly simplistic Congress bashing is the recent mania for term limits.

Even with the slow down of the term limit movement in Washington State, the concept of term limits still has massive appeal.

In talking recently with a Member from the State of California, I was told

that voters of California have no regrets at all over the recently enacted State legislature term limitations.

California may reflect and possibly a different consensus may be reached after the wisdom of 5 or 10 years accumulates.

I am not here today to lambast California but like anything else, the cure of term limitation may be worse, far worse, than the evils it seeks to counteract.

I do believe that the voters of Washington State realized the precarious position term limitations would place them in. I am not even referring to Washington's averted short-term disadvantage of being the only State with term limitations.

Even with national term limitations, small States, including Washington and Indiana would be dominated by more populous States. The rights of small states, including such issues as water rights and equitable access to Federal funds are enhanced by the seniority system and would be placed utterly at risk by nationwide term limitations.

Term limitations would also have severe anti-democratic effects. Reportedly, the power of staff and lobbyists are already of concern to the general public. Term limitations would increase the power of the nonelected.

In addition, personal economic concerns would be more pressing to term-limited Members of Congress. What about the situation of term-limited members? Surely there would be a strong temptation for them to begin to focus on future job opportunities, rather than congressional business, as this arbitrary deadline approaches.

I might say, if there is ever a negative case, one that I am not all that happy with as to term limitations, it was the demonstration of the great people of New Jersey the other day that resulted in two-thirds of both houses of the New Jersey General Assembly being controlled by the Republican Party, a massive turnaround that was surely a message that the voters of the great State of New Jersey very forthrightly, simplistically and forcefully gave to my own collegial Democratic friends.

If middle income and working class individuals can't hope for some security, why would they run for office? How could they run for office and take a considerable slice out of their highest wage earning years when they are seeking to support families and save for their children's education.

In addition, if people wish to increase the power of the executive branch, term limitation would certainly be one way.

I for one, and I believe most Americans, believe in the constitutional checks and balances. The edicts and directives of the executive branch are not usually formed after the average

citizen has been given access at a grass-roots level. Congress, with town hall meetings, our receipt of massive amounts of mail from our constituents, and constant personal contact every week is directly in contact with the grass-roots constituencies every day.

Norman Ornstein has written a very thoughtful editorial, "Term Limits Would Just Make Things Worse," in the October 20 Washington Post which I commend to all my colleagues.

Mr. Speaker, I include for the RECORD a copy of the editorial to which I just referred.

As I have said, Congress bashing is exceedingly popular. I, for one, can understand and accept it from a worker in Evansville or a laborer in Bloomington who has been laid off from a \$20,000 job or even a \$30,000 job with no new employment in sight, as the recent tragic case in my own home-town of Bloomington, where some 325 employees of Otis Elevator have been laid off probably to some degree permanently with no immediate employment in sight, at least for numerous counties. However, I have great difficulty accepting it from the President and the Vice President.

If anyone lives in conditions of imperial splendor, it would be our two leading executives and their families in their publicly financed housing with scores to hundreds of servants. And we all know that they do not wait in line at airports.

I am not decrying these benefits of the executive branch. However, the economy, health care, the environment, and education would appear to be much more vital priorities than bashing the Congress, which compared to them are the merest pikers of privilege.

I also wish to address this institution's reaction to the House bank.

Regardless of where you stand on the issue of the so-called House bank, obviously one of the saddest aspects is the time and energy which will consume months of legislative and investigative time as literally scores of Members will be under review by the Committee on Standards of Official Conduct.

The simple truth is that this is not a House bank, it was more properly termed a congressional cooperative. No taxpayer money was involved or at stake, accounts paid no interest and were not covered by the Federal Deposit Insurance Corporation.

It was not the soundest financial wisdom in the world for a Member seeking to optimize financial status to keep money in the bank, and for that reason, various did not.

Obviously some Members of this body will have more severe problems with the results of this investigation than others. Indeed unfortunately, there does appear to be some gross misjudgment but even for the worse offenders, the problematic practices were implicitly—if not explicitly—authorized.

Now all Members will be reviewed for one-time mistakes of \$11.05 on up to much more massively problematic behavior and amounts.

But there was neither notice nor sanctions in the system. During the 200-year existence of the bank there was no public statement or policy that overdrafts would not be covered—probably at least to the limits of the next paycheck.

It is very interesting to me that the investigation will only focus from July 1, 1988, to October 3, 1991. Should it not also include probes of all Members and former Members who currently hold elected or appointed positions anywhere?

Particularly, should our recent colleagues who now serve in the Senate—or the administration—also be investigated?

I am not per se saying that the scope of the Committee on Standards of Official Conduct's examination of this matter should include former Members.

However, any line drawing will result in those in the shadow of the line, those just narrowly within the border, to feel particularly aggrieved.

Obviously, the members of the Ethics Committee have a massive challenge in front of them.

Perhaps in hindsight it may have been better to give ultimate notice that the procedures of covering overdrawn accounts would be ended on a certain date and that any subsequent offenders would be punished.

Any constitutional system seeks to guarantee notice to people as to what prohibited behavior is.

Our constitution prohibits bills of attainder and ex post facto laws.

I realize in the Ethics Committee investigation that I am not talking about the criminal legal system, just the destruction of a couple of dozen of noteworthy careers. I do happen to hold the radical view that even Members of Congress are entitled to the same rights as other citizens.

Some better standard of notice should have been applied before we all rushed to investigate and pillory scores and perhaps ultimately hundreds of Members in what will ultimately be a prolonged and bitter season in Congress.

I am very honored to have been chosen by the voters of the Indiana Eighth District to represent them in Congress.

We are facing huge demands for a Government reinvestment in education, infrastructure, health care, and many other issues. Yet the merest notion of tax increases is anathema in Washington.

My colleagues know the tension we all face. No one wants taxes but every one wants expansive—and expensive—Government support when it comes to health care, education, senior assistance, or their own particular concern.

All of these issues are legitimate and must be addressed. Government revenues will apparently not be increased and the deficit continues to grow making borrowing increasingly expensive to future generations. In fiscal year 1991, the deficit is \$269 billion and in fiscal year 1992, it is projected to be \$362. These figures don't include the savings and loans and FDIC bailouts—which have nothing to do with the House bank.

We need leadership now. On the domestic front, the Nation is clamoring for reinvestment.

Internationally, we are experiencing perhaps the greatest global restructuring of the century.

Federally, we must address the Federal deficit.

Let us put away the soap boxes and paper bags. Let us stop undermining the institutional foundations of the greatest democracy on Earth.

Let us consider the real issues. Let us tackle the hard problems. Let us work to provide a better future for our children. Let us lead. And let us govern.

□ 1730

TERM LIMITS WOULD JUST MAKE THINGS WORSE

(By Norman Ornstein)

Term limit proponents can't believe their good luck. They have been handed two gifts on a platter, with "Rubbergate" and the Clarence Thomas spectacle, the California term limit initiative has been upheld by the state Supreme Court, and they have gained a new and influential adherent in George F. Will. Furious over unchecked government spending and checks bouncing in the Capitol, Will succumbed to emotion and joined the clamorous calls for term limits for legislators.

Public fury about legislative crassness, greed and ineptitude will no doubt be exploited by the term limit movement. Momentum is clearly on its side. But before letting emotion rule over reason, we should take careful stock of the consequences. One doesn't have to defend House check bouncers or Senate bozos to realize that these and other problems won't be solved by a nuclear attack on politicians.

George Will's argument for term limits is not a simple "throw the bums out" approach. But it is still based on the idea that there is a cheap and easy way to take arrogance and excessive ambition out of politics, bring enlightened amateurism back to governance (as if it were ever there in the first place), and restore competition to the political marketplace.

Will says term limits for legislators will remove the virus of professionalism that has unnecessarily complicated government to make lucrative careers for lobbyists, lawyers, think tankers and journalists in Washington. It would be nice to have simplified government and policy. But even over many decades, it is impossible to imagine government getting less complicated, given the dizzying pace and complexity of the world economy, and the nature of governance in a \$6 trillion domestic economy.

Does anyone really believe that immigration laws, environmental regulations, trade rules, budget decisions, health policy and

stock market regulation are complex because professional lawmakers conspire to make them so for their own advantage? They are complex because the world is complex and because a modern society of 250 million people requires a difficult balance among huge numbers of interests. If we had amateurs writing Medicare provisions, drafting laws for food and drug inspection or deciding clean air provisions, it might give us simpler laws. But that would mean not better governance, but clumsier governance, with more likelihood of fouling up the economy, inadvertently shafting some legitimate interest and creating more, not fewer, openings for sharks to fleece the system.

Chances are that if the legislature consisted of junior amateurs, the real policy decisions and the oversight of financial markets and international affairs would be taken away from an overwhelmed Congress out of its league and made instead by seasoned bureaucrats, presidential appointees, judges and the crafty and experienced people now being regulated—those we sometimes call the "special interests."

Weaken the legislature by taking away its expertise and experience, and we strengthen the other arms of government who now compete with Congress along with the various experienced interests in Washington. Some may favor that approach—clearly, it is the main reason that President Bush and Vice President Quayle have eagerly embraced term limits for Congress—but I see no reason to expect more enlightened, less corrupting policy with an unchecked executive branch or a newly unleashed judiciary taking over, or by weakening Congress' oversight over Salomon Brothers, AT&T or other forces in the private sector.

I am not surprised that most "special interests" oppose term limits; they have invested a lot in learning how to take advantage of the current system, and any change would involve heavy transition costs. But I have absolutely no doubt that they would have more leverage, not less, over a Congress consisting of inexperienced newcomers.

One rejoinder to that argument is that we will get enlightened amateurs with term limits—noble and seasoned citizen-legislators who leave their top careers in commerce, industry and the professions not for political ambition but to spend a few years in Washington before returning to their homes and jobs. Well, look at what it takes to run for office in a congressional district with 550,000 people in the modern telecommunication age. Look at the web of conflict-of-interest and disclosure requirements. Look at the adversarial press. Look at the costs of uprooting one's family and living the nomadic, two-household existence built into Congress.

Are we really going to have a surge in the quality of candidates? Look for comparison to the top political appointments in the executive branch, which are term-limited, prestigious opportunities for enlightened service in Washington without the costs of elective office. We have no surplus of high-quality people clamoring for these posts—instead we have increasing difficulty getting and keeping anybody of quality.

Wouldn't it be worth it if we could check the arrogance and ambition of the current class of career politicians? Maybe it would—but term limits won't have that effect. Instead, they will bring with them even more corrupting ambition. People willing to suffer the upheaval of running for Congress and coming to Washington will be just as ambitious as those here now—but they will channel their ambitions in different ways.

Congressional service will be a stepping stone to the next post, not a place to serve in and of itself. Instead of making any commitment to their institutions or to long-term policy, term-limited members will start on day one thinking about the next step. They will be running for the Senate from the time they enter the House, or cozying up to lawyers and lobbyists to prepare for the next stage of their careers. Some will go back home, to be sure—but the experience of executive political appointees would suggest that they will be in the minority.

As for policy, if you are limited in your service, your incentive to build long-term policy will be gone; instead, you might as well hit and run, do something splashy for effect now—including spending more, not fewer, federal dollars—and let your successors clean up the mess when you've moved on up the ladder.

To be sure, there are serious problems now in governance and standards for politicians. There are ways to solve those problems, through campaign finance reform, disclosure, stiff enforcement of ethical standards and good old-fashioned political leadership. Dramatic and irreversible constitutional change is not the answer.

We tried that with term limits on the presidency and they have failed miserably as a way to bring more competition to presidential elections or bolder leadership to the White House. Did we get presidential leadership on the deficit from the term-limited Ronald Reagan? Did we get more and better leadership from him in his second term, when he was freed from the shackles of reelection? The answer is clearly no. Instead of seeking a nonexistent panacea and moving to limit the terms of lawmakers, we should devote our efforts to repealing the 22nd Amendment and to removing the term limits that now exist for governors—and rolling up our sleeves to accomplish the reforms that would make a positive difference. George Will is right about one thing—term limits would stick it to the lawmakers. The would stick it to the rest of us too.

CONGRESS CONFIDENTIAL—THE UNSENSATIONAL TRUTH ABOUT RUBBER CHECKS AND UNPAID BALANCES

(By Norman Ornstein)

Congress-bashing has become America's favorite indoor sport. Newspapers, news magazines and television news shows have been filled with stories decrying check-bouncing, restaurant tab-avoidance and sundry outrages from the Thomas/Hill Senate hearings. The story of the week now is the dozen or so laws from which Congress exempts itself while the rest of the country suffers under their weight. President Bush has taken up the sport too, bashing Congress as "a privileged class of rulers."

Filled with windbags, clumsy in its operations, Congress is an unimaginably easy target. The public responds avidly, many members of Congress join in the attack on their own and the rest of the institution responds meekly or not at all. But something has been lost in the shuffle. Most of the charges are wildly distorted, patently unfair and hypocritical. Consider some of the recent targets of attack:

Rubbergate. Nothing has tapped into public outrage more than the House check-bouncing fiasco. One poll showed that 78 percent of Americans believe that most members of Congress did not simply make some bookkeeping mistakes but deliberately kited check after check. That's not surprising; the

news stories said as much, and Congress acted as if guilty as charged.

But look at the reality: The House "bank" was not a bank but a cooperative in existence for over 100 years. Its only money consisted of lawmakers' paychecks, which automatically went to the Sergeant-at-Arms Office. There they sat, earning no interest, until members sent them to their own accounts at commercial banks—often two or three weeks later. But the House bank provided no sophisticated monthly statements or computerized records, making it difficult for members to know exactly when their paychecks were credited and when transfers were debited.

Moreover, the House bank had no money machines or automatic overdraft protection—routine services of true banks. Members got cash for daily needs by writing checks against their paychecks to the sergeant-at-arms. Many, perhaps most ended up inadvertently writing checks not covered by their current balance—generally for small amounts—\$20 or \$30. But there was no chance of losing the money; the next paycheck, and all future ones, were an automatic safety net. How were the checks covered when there was no money in the individuals' accounts? Not by taxpayers' money but by their colleagues' money—the only funds in this so-called bank.

To be sure, a small number of miscreants regularly abused this system, often for very large sums of money. They ought to be publicly identified for their constituents to judge them. But voters weren't their victims here—their colleagues were. It was their money, earning no interest, that was used as a no penalty loan by the handful of chronic abusers. Most members, in other words, were victims, not perpetrators!

One other point: This story emerged because an enterprising reporter for Roll Call read a General Accounting Office audit of the House bank. Who ordered the audit? Congress.

Lunchgate. This story—that members of Congress has stiffed the House catering service for hundreds of thousands of dollars by not paying their tabs for lunch in the Capitol dining room—confirmed, with a vengeance, the low public opinion of Congress.

Now the facts: More than two-thirds of the money owed to Service America (not to taxpayers, by the way) by members of Congress actually came from tabs run up by constituents and others. Day in and day out, dozens of outside groups—from 4-H clubs to university alumni groups to professional associations—hold meetings or seminars or receptions in the Capitol complex. Under the rules, a member of Congress must act as sponsor; if the organization does not pay its food or drink bill, the House caterer can dun the sponsoring lawmaker.

So this accounts for two-thirds of the money owed to the House caterer; what about the rest? There are indeed unpaid tabs, but most are relatively small—\$100 to \$200, not unlike the typical tab at any executive dining room. Here too, ironically, most members are victims, not perpetrators. Members of Congress eat lunch in the restaurant not because the meals are lavish or cheap—they're neither—but because they have little choice—votes are occurring on the House floor all the time. Most breakfasts or lunches are with friends or constituents, and because it's awkward to split the check or expect someone else to pick up the tab, the members usually end up signing for the meal. Some perk!

Exemptions from the laws. The charge here is that Congress lives by its own privileged

rules, apart from the rest of us. President Bush made it the centerpiece of his attack on Capitol Hill: "When Congress exempts itself from the very laws it writes for others," the president charged, "it strikes at its own reputation and shatters public confidence in government."

Interestingly, Bush failed to mention that the White House—at its own insistence—is itself exempt from some of the laws that exempt Congress. Indeed, the president came close to dissembling when he claimed that only Congress, not the executive, has these exemptions, when in fact they apply directly to his and the vice president's staffs as well. But the president needn't worry; the White House press corps was not about to call him on his hypocrisy. The White House exemption, after all, has been ignored in nearly every recent press account of congressional perks and outrages.

Two wrongs, of course, do not make a right. But the wrong is not what it appears to be. Most of the laws in question—like Title VII of the Civil Rights Act, the Americans with Disabilities Act and the minimum wage—do not exempt Congress from coverage. Its exemption is from enforcement by executive branch agencies, such as the EEOC and the Labor Department, that can assess civil sanctions or penalties against private citizens or businesses. The reason? Separation of powers. It would be at worst unconstitutional, at best unwise, to let an executive branch agency embarrass, harass or sanction members of Congress over their employment practices or other on-the-job performance.

Instead, Congress has created its own enforcement mechanism; in the House, it is the Office of Fair Employment Practices. It is far from perfect, but even most female members—who are acutely sensitive to questions of sex discrimination and sexual harassment—believe that the House agency is more effective than the EEOC itself. The Senate has lagged behind, using its Ethics Committee for enforcement, but has just voted to create its own tough enforcement procedures. The White House, by contrast, not only has no comparable enforcement office but, until the Senate acted to include them last week, the staffs of the president and vice president have been specifically exempt from the provisions of the Americans with Disabilities Act, the Age Discrimination in Employment Act and Title VII of the Civil Rights Act.

None of this suggests that we should ignore congressional misconduct in these areas or forego reform. Miscreants should be identified and punished by Congress and left to the judgment of voters. The processes should be changed by creating ethics and employment review panels consisting of former members and staffs, not current law-makers and their employees. The campaign-finance system needs real and meaningful change. Indeed, the entire structure and function of Congress, including staffs, the committee system and the budget process, should be reviewed and overhauled. So should the perquisites available to lawmakers. But one can strongly support punishment for wrongdoers and change in procedures and rules without taking cheap shots or being demagogic and histrionic.

Defending Congress these days is like volunteering as a character witness for Saddam Hussein. I stepped forward because more than hypocrisy is at stake here. We have gone so far beyond the usual jabs at Congress that have been a part of our historical fabric that we are being truly destructive—to Con-

gress, public service and the whole political process.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, FAMILY AND MEDICAL LEAVE ACT OF 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 102-303) on the resolution (H. Res. 275) providing for the consideration of the bill (H.R. 2) to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave, which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORT ON H.R. 2094, FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight, November 12, 1991, to file a privileged report on H.R. 2094, Federal Deposit Insurance Corporation Improvement Act of 1991.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Massachusetts? There was no objection.

AMERICA'S NEEDS FOR ECONOMIC GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 60 minutes.

Mr. GEPHARDT. Mr. Speaker, joined by several of the key Democratic legislators in the House who are committed to change, new ideas, economic growth, and economic justice, I would like to speak today about our economy, about the problems being visited upon our people due to this administration's mismanagement, about America's place in the world, and about our ideas for making America grow again.

Mr. Speaker, I would like to start this evening by yielding to my good friend, the gentleman from North Dakota [Mr. DORGAN] so that he can make a short statement here as we begin the special order.

Mr. DORGAN of North Dakota. I thank very much the gentleman from Missouri [Mr. GEPHARDT], the majority leader, for yielding to me.

Mr. Speaker, I know that this evening's discussion is about economic

and trade policy, America's economic future, as the tough international competition and we face ahead of us. When we discuss these areas, we often talk in terms of graphs, charts, numbers, and abstract statistics. I would like to frame this discussion by talking about a couple of young people.

A young native American in my State comes from a family of unemployed, chronic alcoholism, welfare, a family that has had a lot of trouble. He decides that he wants to go to a school in North Dakota to become trained, and he is trained as a food service worker at the United Tribes Technical Center. After receiving his diploma, he very proudly decides that it is time now to take his place in the work force. He walks from the United Tribes Technical Center into town every day to look for work. In the winter he walks several miles in snowstorms to find work in Bismarck. Three months went by searching for work and he could not find a job. In despair, this young man went back to the reservation, out of hope and with no work. It is a shame that that sort of thing happens in this country.

Another young boy named David from New York offered testimony to this Congress. He is a 10-year-old who lives in a homeless shelter in New York City. He described life in a homeless shelter and then said something I shall not soon forget. He said, "No 10-year-old boy like me should have to lay his head down on this desk in the afternoon in school because it hurts to be hungry." A young boy in New York and a young man in North Dakota face the same fate from an economy that does not work, a fate of helplessness, hopelessness, joblessness and hunger.

The fact is we can and must do better in this country to remedy these kinds of problems. When we talk about America and America's future, I think it will be a bright future if we have the guts to do the right things for this country.

Mr. Majority Leader, if I might mention a couple of things that I think we can and should do. We have the twin failures of deficits, deficits in fiscal policy that have been reckless and dangerous for a decade, and deficits in a trade policy that is virtually bankrupt.

I know it does not help to point fingers, but we must understand what happened. The fiscal policy came from the White House. It is the White House that had a party in 1981, celebrating the victory on the floor of this Congress. They won. "We won," they paraded, and it was their fiscal policy. It promised balanced budgets, but it didn't give this country balanced budgets. It gave us increasingly reckless and dangerous trillions of dollars of deficits. In trade policy we were told the mantra beginning in 1981 is free trade. Free trade, that is what will solve America's problems. Yet, during

the same period of enormously crushing fiscal policy deficits, we also saw trade deficits mounting year after year in the eighties that have been very dangerous to this country.

Now, the President, as he catches his breath from his new world order trips, occasionally stops and points the blame at Congress. He said, "It is your fault, Congress. It is not my fault. I am not in charge of fiscal policy. I did not cause this trade problem. It is your fault."

Well, the President does not understand. His veto is worth two-thirds of all the votes here and in the Senate, and we have never overturned a veto. It is his fiscal policy, the Reagan-Bush administration in the eighties that led us to this dangerous economic situation we are in today.

Again, it is important to understand how all of this happened but it is much more important for all of us to try to understand how to set it right. How do you put this country back on track and help America grow again? It seems to me that the recipe or the menu here is not some exotic, mysterious new idea. It is old virtues and timeless truths.

How do you put America back on track? America has to pay its bills, Is that hard to do? You bet it is. Is it necessary? Of course. We have got to pay our bills. That is a fiscal policy that reconciles the money we have with the needs for expenditures.

Trade? That is not very complex. As a country, we cannot say, "We open our markets to all of you and God bless you. You can bring all your products in and sell them in America, but it is fine if you close your markets to American workers and American producers. We will accept that." We simply cannot do that any longer. We did that for a decade and it did not work.

Our message ought to be a golden rule of trade in which we say, "We want to open our markets to all of you. We want to be the leader in open markets, but we want you to understand at the same time that you had better treat us as well as we treat you. That's going to be our motto. Our markets are open to you, but your markets must then, we expect, be open to American goods produced by American workers in American companies."

When we decide to impose our will on a trade policy that stands up for the interests of this country's businesses and this country's workers, this country can compete and succeed anywhere in the world.

The future for this country I think is a bright and wonderful future if a President who leads and a Congress with the courage to follow, decide now to do what is necessary to put America back on track. And again, it is not very complicated.

The people that work and live in this country, the kids that go to our schools and the people that work in our

factories can compete now and in the future with anybody else in this world. But it has to be fair competition. We cannot compete in a trade competition that is unfair. We cannot compete in economic competition in which the rules are stacked against us. We must insist in this country to have fiscal policies and trade policies that are fair to America.

It is important, Mr. President, for us to decide that we have to take care of things here in this country. Yes, what goes on in the rest of the world is important too, and no, we are not saying we should be isolationists. We are simply saying that this country has a set of economic interests that must be dealt with promptly, because it is off track.

Now, the majority leader has a series of trade initiatives, and I might say that about the only evidence of sensible trade policy in the eighties came from Congressman GEPHARDT, who is now the majority leader. In the 1980's, against the whims of the Reagan administration, against the wishes of the Bush administration, Congressman GEPHARDT has led the fight not to be protectionist, as all of those who oppose these trade policies are wont to charge; not to be protectionist, but simply to say, "We want trade policies to be fair to America."

□ 1740

If they are fair, they are fine with us, because we can compete. If they are unfair, we are not going to accept them. That is the kind of leadership the majority leader has demonstrated on international trade.

I am delighted that he has introduced once again another trade initiative, which I think is exactly the kind of thing this country ought to be talking about and supporting in order to put this country back on track again.

I appreciate very much the majority leader yielding to me and look forward to working with him on these issues.

Mr. GEPHARDT. I thank the gentleman very much.

I think his story of the two individuals that he has talked to in recent days is really what all of this is all about and what all of us seek, which is economic success for our people, and I think that the sooner we get to some of these very obvious but important solutions, the better off we will be.

Mr. Speaker, I want to again reiterate what the gentleman from North Dakota was saying about his constituents, the people with whom he has met, not only from his constituency, but from around the country.

On this last Sunday, I was in my own district and met with my constituents, and I met a husband and wife who told me of their anxieties about our economy. The husband was an over-the-road truck driver, and he had been working for the same company for 28

continuous years, but right now in November of 1991 for the first time in his career he is worried that he is going to lose his job. In fact, he said he was petrified that he was going to lose his job.

In order to make sure that they have income if he loses his job, his wife who had brought up their three children, who has never worked, decided that she would take in children during the day, in day care, in order to make some extra income, and then she decided that that was not sufficient, so she got a job on the weekends being a cashier at K Mart earning the minimum wage. Then the husband said that he had become so concerned about how hard his wife was working in order to make sure they would have an income stream to keep their house if he lost his job, he has now taken a job on the weekends frying hamburgers at McDonald's.

This is where many American families are today. The economy is not working. People are losing good jobs. They are losing pay; good-paying jobs are leaving the United States.

The President, I think, has clearly decided that he would coast through the end of his term by focusing almost exclusively on foreign policy and treating what some call the domestic agenda with a mixture of neglect and disdain, and upon winning the Persian Gulf war and occupying the oval office during the end of the cold war, he was obviously lulled into a sense of complacency by world events.

The President can ill afford to be complacent, and the country will no longer tolerate being neglected. It is not only because the economy has seriously deteriorated and Americans are being hurt, although both happen to be true, it is also because the world has changed, even though the President clearly prefers to operate as if cold-war containment and the go-go eighties were still the order of today.

But today the principal threats to our security arise not from traditional military or political challenges, although they still exist, but from a changing global economy and distribution of national power. In this new environment, foreign and domestic policy cannot be treated like separate in baskets on the national desk. They are inextricably linked. They are one.

The President said last week that he understands this concept; his actions suggest that he does not. This is the problem. President George Bush does not get it.

In a revolutionary world, America cannot afford a status quo President who has Rolodex relationships with foreign leaders who do not share our interests.

He makes a perfunctory trip to NATO, but cancels his trip to Japan when he receives political criticism. He canceled the wrong trip. He should have gone to Tokyo and said to the Prime Minister of Japan, "You have

got to stop ignoring our trade treaties; open your markets and treat American goods and American workers fairly." But that is not what this President does with foreign policy.

We should not measure the success of our foreign policy by how many alliances we maintain, how many treaties we sign, or how many negotiations we moderate. Instead, we Democrats say that national economic strength is a prerequisite for an outwardly directed foreign policy if it is to merit the support of our people.

And national economic strength is exactly what has been depleted by the Reagan and Bush economic policies. In the 1980's, unfair tax and budget policies quadrupled the national debt and doubled the incomes of the top 1 percent of earners at the expense of the middle class. Outmoded trade policies passively permitted textile, consumer electronics, steel, automobile, automobile parts, and semiconductor industries to be lost, damaged, or threatened by foreign domination.

Two successive administrations looked upon the growing wreckage with indifference, and maybe even satisfaction. Their principal constituencies, the wealthy and the powerful, were doing just fine.

But now we find ourselves broke, in a recession, and socially divided just as the President calls us to a broader international commitment. As the United States compiles its worst record for economic growth in the postwar era, all of our major competitors are seeing an exciting rise in their national income and aspirations. While we protected Europe and Japan militarily, our allies made commercial decisions and government investments that have far-ranging implications for their future growth. They have industrial policies. They protect their industries, their firms, and their market shares. They repeatedly ignore the norms of international trading behavior. They target our industries. They adequately fund research and develop education and training, public works, and private enterprises, and now they are so strong, and as their strength gathers still, America is just a little less independent than we want to be, a little less secure than we ought to be, and substantially less prosperous than the winners of the cold war should be.

The President seems to think all that is holding America back is our failure to pass his capital-gains tax cut for the rich. The President is mistaken. What is holding us back are his foreign policies which failed to represent America's economic interest, and his failure to lead on a domestic agenda that would strengthen us.

We believe we can do better, a lot better. I believe America can be strong again. I believe America can be competitive with anyone in the world, but we must accept as an article of faith

that economic strength means as much in the 1990's as political determination and military strength meant in winning the cold war.

□ 1750

If we reach this understanding, we know where to begin.

Many ideas have been put in front of the Congress by Democrats this year. We have introduced trade legislation that demands reciprocal treatment, that demands fair play, that demands that other countries open up their markets to us as we have opened our markets to them, the much asked for two-way street.

We presented bills on education, taking the cap off income for college loans, to be eligible for college loans.

We are developing legislation to open up the so-called Pell grants for disadvantaged youngsters so they can be able to go to college.

We have legislation coming forward to put more of the youngsters that are eligible to Head Start into Head Start so they can get ready to go to school.

We are bringing forward ideas in the area of taxation, middle income tax relief. Senator BENTSEN from the other body has a bill that would give young families with dependents tax relief through a credit for having dependents.

Chairman ROSTENKOWSKI on this side of the Capitol has brought up legislation that would give our people a Social Security tax credit for their payment of Social Security taxes.

Congressman DOWNEY and Senator GORE have a proposal to give again young families and families with dependents tax relief.

Democrats are coming forward with ideas on health care. All the really progressive and important ideas for health care are coming from this side of the aisle.

We have the Stark proposal for single-payer national health care. We have the so-called Stark plan that would be giving Medicare to everybody in the country so at least everybody would have minimally a Medicare type package.

We have other proposals for reforming the present system so that everyone in the country would have access to health care and there would be health care cost containment.

We have proposals for stopping plants from leaving the United States and going to other countries to seek cheap wages.

Congressman DORGAN of North Dakota who was here a moment ago has a proposal that would take away tax advantages from companies that want to go abroad to find cheap labor.

I am working on a proposal to try to induce companies to not leave the United States and try to find cheap labor, in fact to reward companies that stay here and try to make American workers as productive as we know they can be.

There are other ideas. We need to put the Secretary of Commerce and the Trade Representative on the National Security Council. As I said a moment ago, national security is economic strength in 1991 and beyond. For too long have we allowed the State Department and the Defense Department to decide our trade policy, instead of having the advice of the Secretary of Commerce and the Trade Representative who should be listened to first before we decide that keeping a military base in a particular country is more important than getting fair trade.

We have legislation that has been presented to stop foreign purchases of domestic companies that have special importance for our defense effort. Too many of our important companies have been purchased by our competitors that we really need to keep our defense effort strong.

Well, there are many ideas that have been presented on the Democratic side of the aisle to renew America's economic strength. These are the issues that we have to face over the next 5, 10, and 20 years.

Our economy is in trouble, but the trouble can be fixed. Our people are good. Our people are strong. Our people work hard and they want to work hard.

What we need now is leadership, leadership from the President, and if he will exert that leadership, Democrats will be there to follow. If he will not, we will try to lead, as we are doing today with unemployment compensation, with middle-income tax relief, with health care proposals and trade proposals, all of which I have mentioned.

I would end with one statistic to which I think attention has to be paid. When I presented my Trade bill the other day, I added up our cumulative trade deficit with the world and then with Japan, our largest trade creditor, over the last 10 years. I knew that each year it has been growing. I had never added it up. When you add it up, it comes to \$1 trillion that we owe other countries today for just what has happened in the last 10 years, and of that we owe \$400 billion to Japan alone. I think anybody in the country knows what it means to owe somebody else an awful lot of money. It means they gain leverage over you. It means they begin to own you. It means you begin to lose your basic independence. That is what we face today.

Carla Hills, our trade negotiator, likes to say that for every billion dollars we get our trade deficit down, it means we create 25,000 jobs in the United States.

The trade numbers I just read mean that we have lost 25 million jobs in the last 10 years because of this gosh awful trade deficit that we face. It is not getting a lot better. We have got to turn it around, and the only way I know to do it is through fundamental changes

in law and in policy and in attitude that I have mentioned here tonight, and that the Democrats are championing in the U.S. Congress.

Mr. Speaker, I would like now to yield to my friend, the gentlewoman from Ohio [Ms. KAPTUR] who has been the leading proponent on a whole range of trade issues and in particular the issue of auto parts, which is so important to the future success of our economy.

Ms. KAPTUR. Mr. Speaker, I thank the majority leader and before this House and this Nation I thank him for his leadership over this decade as a strong voice for people across this country whose voices without the help of the gentleman could never be heard and for the perseverance and intelligence of the gentleman and for continuing to fight for what the gentleman knows is right and in the interests of the United States of America as well as the rest of the world ultimately. I think other men and women would have been dejected and would have given up at this point, but I think the gentleman gives encouragement not just to the people in this House and the gentleman's district, but to people throughout the country, I say to our leader, and we thank the gentleman for this special order tonight and for his great leadership on this and so many other issues of importance to our people.

Mr. Speaker, it is an honor for me to be here this evening and to have this opportunity to reinforce some of the points that the gentleman has made.

I think one of the most disturbing facts of the 1980's is that the Republican philosophy of borrow, borrow, borrow from everybody else, including foreign creditors, has put this Nation on the verge of not being independent any longer, and in fact, one of the toughest parts of trying to negotiate a trade agreement with Japan is through much of the 1980's the excess capital and money in Japan really financed this economy, and on the threat of Japan not buying our Treasury securities, the Reagan administration and the Bush administration were not able to be strong in negotiating trade agreements that we all know are so very necessary.

I think that to let America fall into that trap of not earning her way goes against the fiber of what built this country. Whether one is a farmer or a factory worker, people fundamentally believe in paying their bills and not relying on some magic force out there that is going to supply all this money and then not ask for anything in return.

I remember some of the Reagan and Bush people that I met with, they argued with me when I said it is wrong to sell the securities of the Government of the United States and the people of the United States to foreign creditors.

Their answer to me was, "Oh, money is fungible. What difference does it make?"

The difference is that this year and last year we will have taken \$50 billion of the taxpayers' money of this country and sent it abroad to pay on the borrowings that over the decade of the 1980's the Reagan and Bush administration led us down that road, and it still continues today.

□ 1800

The American people know that the jig is up, and that was not the way the country should be directed. For some months I have had a bill sitting in one of the committees here to create a super savings bond drive for the United States of America. It is a bipartisan bill. Basically, what it says is why just sell our treasury securities to foreign creditors; why not allow those bonds to be sold at decent interest rates to citizens and make them available at banks, at savings-and-loans, at post offices and invite the American people to help buy our way out of the debt that we have accumulated?

Why not take that \$50 billion that is now going offshore and let our own people buy it?

Alan Greenspan said to me in a private meeting, "Gosh, you know, that is a really good idea, but it might create too much paperwork for the Federal Reserve." In this age of computers, I can't imagine—well, I can imagine why this particular administration would want to take care of its bond houses on Wall Street but not the average household in the United States of America.

But I really believe if we invited the American people to help solve this problem, I know we would do it.

In the measure of the gentleman from Missouri is promoting to try to lessen the tax burden on middle-income taxpayers, I hope at the same time as we pass that bill there will be an opportunity for the American public to take some of those dollars and to buy U.S. savings bonds to help turn that outflow of money around so it begins to work here in our own economy, because I think along with the gentleman from Missouri the American public believes in earning your way, not borrowing your way.

It seems to me like we have been borrowing a lot under the Reagan and Bush years. We borrowed money but we also borrowed labor. We made it easier for our companies to go abroad and borrow cheap labor, whether it was from Mexico or Taiwan or whatever, to try to make our companies in this country competitive by the cheap way out, not by really raising the standard of living of Mexico but by exploiting her work force. It goes on as we stand on this floor tonight.

I found it interesting that some of the press in the country—we have been talking about this now for about 8

years—that finally some connections are being made. In my hometown newspaper over the weekend I found the juxtaposition of these stories rather interesting. On Monday there was a story, "Deaf Ears in Japan Over Trade Gap," when the Secretary of State of our country went over to Tokyo and said to the foreign minister there that, "You know, we ought to do something about the trade deficit that the majority leader is talking about. We ought to try to find a way out." Of course it fell on deaf ears over there.

Japan not only does not want to open its market to automotive vehicles, cars, trucks from any country, not just the United States—they do not even import Yugos, which are at the bottom end of the line—but they will accept rice. They do not even want to talk. They have us over a barrel because they control so much of the money that comes into this country in the interest that we owe them out of our tax dollars.

But when I talk about Japan not willing to deal on trade, right underneath that story is another story, starting with the word "Jeep." Jeep is the biggest employer in my district, it employs about 5,000 people, they make the Cherokee Jeep.

Now, in January they will put on indefinite layoff another 620 workers, another 620, at a plant that is the lode-star industry of all of Chrysler's plants. It is the Q-1 supplier. Labor and management have done everything they could do to put out a quality product.

That story is right next to the story about Japan not allowing goods into its market.

Then underneath that there is a picture of one of the candidates for the Governor's race down there in Louisiana. And even though the purpose of this special order is not to talk about that, I would just say that the voters of Louisiana do not believe the candidate who tries to blame the person standing next to you in the unemployment line for your problem. I think whether you are in that unemployment line, whether you are white, whether you are black or you are a man or a woman or a blue-collar worker or a white-collar worker, the fact is you are all out of work. It is not your fault. The fault lies at 1600 Pennsylvania Avenue. It lies here in Washington, with the mismanagement of this economy. And do not take it out of the hides of your neighbors because that is not where the solution lies.

In Sunday's local paper they have another article, "Mexico Pact on Ice," President Bush's idea for what is called a free-trade pact with Mexico. I find it hard to understand how you can have a free-trade agreement with a country whose elections are not free and where there are scandals and where the police force is rife with corruption at every

level. How can one really have a free-trade agreement first? Should you not have democratic freedoms first and then be concerned about what is happening in the economy?

But, again, the Bush administration chooses to borrow labor, not to let the Mexican workers earn enough money by the fruits of their own hands in order to buy what they are making, but, no, for these companies to go in there and exploit the workers for 50 cents to \$1 an hour and to borrow that labor for the profits of these corporations.

So this headline says, "But, oops, maybe the Bush administration won't actually negotiate the Mexico Trade Agreement before the election because of what happened with the election of Senator Wofford in Pennsylvania." They are a little bit worried because he talked about the fact that jobs from Pennsylvania, from Ohio, from throughout this country would be moving down to Mexico and again borrowing the cheap labor of those workers, not on behalf of all of America, Canada, United States, and Mexico, raising the standard of living of all of our people.

So it was politics, not principle, that caused the Bush administration to put that on the sidelines.

Now, one of the other points I wanted to make this evening, and I know I wanted to say a few words about the automotive industry because I come from a part of the country where this industry employs 1 out of every 7 workers in our country and in my community. Earlier we heard some stories about individuals that Members of this House had seen in their community and how they have been affected. Well, I may be one of the few people here who lives in the same house I was born in.

I know every neighbor, I live in a blue-collar neighborhood of my community, I know their kids, I know their grandkids, and I have seen what has happened to them. And I am proud to be a Democrat because I know that if it were not for the programs that the Democratic Party fought for in this Congress during this recession, most of my neighbors would be in the poor house.

Senior citizens in my neighborhood that are benefiting from Social Security and Medicare, I know it was the Democrats who fought for them. My neighbors, who are unemployed right now, if it were not for unemployment compensation, they would be down at the homeless shelter getting food in bags, too, from the St. Vincent dePaul Society. I see my neighbors who are going to fall off their benefits, and if it were not for the leadership of the Democrats in this Congress fighting for extending unemployment benefits, and George Bush has closed the door in our face two times already and he is about

to do it again if we do not get exactly the right agreement just the way he wants it, but he is willing to give a lot of our tax dollars to foreign countries but does not seem to be willing to give to workers who are out of work and farmers who suffered from drought and different types of disasters this summer.

I have seen what has happened to my neighbors. I see couples where the husband and the wife have to work.

I have watched my neighbor, a construction worker, get up, he has three kids. This morning he left the house about 7:15 in the morning. Then his wife leaves about 7:35. They take the three kids, put them on the bus, take the other one to the babysitter, and both of them have to work in order to make enough money to have the same standard of living that their parents had when one could be at home and the other in the workplace.

I see my neighbor across the street whose husband is now deceased, who worked at one of those auto parts plants; those jobs are not there any longer for her children and her grandchildren. We have grandmothers on our street who are raising their grandchildren because the parents cannot afford to raise these kids.

Now, next door to me—they always say retraining is the answer. One of my neighbors worked at K-Mart until she was 31 years old. She heard the message "Get retraining." She graduated No. 1 in her class in computer engineering. Guess what? No jobs. She has been looking for 2 years for a job.

So I do not believe all this hocus-focus about if you just have training, everything will be solved.

In terms of the automotive industry, there is an article I would like to reference and hope that the audience will look at it. This week's Business Week talks about Honda. The majority leader talked about how different business practices of these countries, Japan and some others, really are not like our own. Why is it so hard for the President of our country to stand up for the United States in trade negotiations with Japan? Why is he like a feather, you just have to push him over, rather than making access to our marketplace a quid pro quo for access to their marketplace, so that we can begin to move American goods into Japan?

The automotive industry, and I am sure succeeding speakers will cover this in more detail, is one of America's lodestar industries. Without this industry, our standard of living will go down even more than it has already and the people who live on my street will not have any jobs in that industry. Company after company after company has closed in Toledo, OH, related to the automotive industry. Japan has opened over 300 supply companies in Ohio and Michigan, and they supply into Japanese production.

This article in Business Week, called "Honda: Is It an American Car?", encourages people to take their cars apart. If you own a foreign car, see where the parts come from, because the fact is they are not made in the United States of America by domestically owned firms but they are brought over in those big ships out of Japan, they land on the west coast. Or they bring their little companies over here and create colonies around the assembly plants and they only buy from their own.

□ 1810

If I did not have quality producers in my community who were capable of selling into these companies, it would not bother me an iota. There should be good competition in this country, but the fact is they are taking advantage of us, and the President of the United States, whose job it is to stand up for our workers and our people, is not doing his job.

So, I thank the majority leader so much for allowing me to share in his special order this evening, and I encourage him on in his efforts.

Mr. GEPHARDT. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. KAPTUR] and thank her for her immense contribution to these many efforts to try to get free trade and to try to strengthen our economy.

I yield to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN of Michigan. Mr. Speaker, it is a pleasure to join with the gentleman from Missouri [Mr. GEPHARDT].

Here it is 6:10 standard time on the east coast. Most people are eating their dinner. Perhaps our families would like us to be doing that likewise. But the gentleman from Missouri [Mr. GEPHARDT] is here. He probably has one of the four or five busiest schedules in this town. He is here standing and making a case to the American people.

Mr. Speaker, if I had a hat, and we cannot wear one in the House Chamber, I would take it off to the gentleman from Missouri [Mr. GEPHARDT] for his dedication, his commitment, because he is determined to have his voice heard, and many are privileged to join with him in this effort.

Was it yesterday I sat around a table in my office in Southfield with three unemployed workers? Two had exhausted their benefits. One was 4 weeks away from exhaustion. I wish the whole country could have sat in or watched if we could have taken the roof off. These three people, one in his sixties, one in his fifties I would guess, and one in her late forties, together they have been in the work force, as I remember it, 20, 50, 90 years. Two of them are graduates of college; one of a community college. Among the three of them I think they said they had been in an unemployment comp office five times in the 90 years. That is the

three of them combined. They had been unhappy about having to go to an unemployment comp office this time around. Two are in sales or marketing, and one is an engineer.

Their message was this: Something is happening in this country. This is a basic transformation going on. In the past, if they were thrown out of work, and that was not very often, they would find another job. This time résumé after résumé, résumé after résumé; no, no, no.

They heard the President from Rome. Two of them had voted for him. We did not talk politics; they volunteered that. They heard the President from Rome say there is no recession, and they sat around the table, and they said, "Who is he talking about, and what is he really talking about?" For them this is not a recession but a depression.

The gentleman from Missouri [Mr. GEPHARDT] in his statement touched on a lot of the reasons for the predicament we are in. Trade is just one of them. I think it is a metaphor for a lot of other things, as well as for trade itself, because, as the gentleman has been saying through the years, if a government will not stand up for its businesses and workers having a fair crack at it, what will it do? It does not take tax dollars to stand up for your businesses and your workers.

So, here we are. Mr. Baker was in Japan. He left emptyhanded on trade. No surprise because he went with a weak hand. Our great country, a weak hand, because there is no credibility. The Japanese do not believe that this administration will stand up and fight because they have not.

The gentlewoman from Ohio [Ms. KAPTUR] quoted the article from Business Week, "Honda: Is It an American Car?" and there is a statement in there, and this was in quotes: "The nameplate doesn't matter."

Mr. Speaker, it was said by our Trade Representative. She works hard as a gifted public servant. I often disagree with her. Maybe it is not quite in full context to say the nameplate does not matter. She was referring to trade policy, but I think that is an accurate description of the administration's trade policy.

Mr. Speaker, the nameplate does not matter to them. "Made in America" does not get their juices working, and that is what we have to change.

I will just end by referring to our trade deficit. As my colleagues know, it is a bit like a patient that is quite seriously ill and has pneumonia. Then he gets influenza, the flu, and everyone says, "Well, you're healthy."

Our trade deficit is a little better now than it used to be, but it is still astronomical, and I just read on the wires a prediction by the Treasury Under Secretary that once again it is going to go back up, and, when it went

down, it did not go down very much with Japan—\$40 to \$50 billion, as my colleagues know, two-thirds of it in the auto sector, and when it comes to automobiles, it has been a one-way street. That is a tragedy for this country, and the gentleman from Missouri [Mr. GEPHARDT] and I and others will never be satisfied until that tragedy is reversed.

Mr. Speaker, I am privileged to join with the gentleman from Missouri [Mr. GEPHARDT] tonight, as I have been on so many other nights, in the bill we introduced a few days ago. Our voices will be raised until the problems are diminished, indeed, until they are resolved.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman from Michigan [Mr. LEVIN] for his invaluable and immense contribution to all these efforts, especially in explaining and working on the issue of trade. It has been a real pleasure to work with him, and I look forward to continuing that.

Mr. Speaker, I yield now to the gentleman from Michigan [Mr. BONIOR], the distinguished majority whip.

Mr. BONIOR. Mr. Speaker, I thank my friend, the gentleman from Missouri [Mr. GEPHARDT], for yielding, and while my colleague, the gentleman from Michigan [Mr. LEVIN], is here, let me thank him for his leadership on this issue, as well as the majority leader and my colleague to my right, the gentleman from Ohio [Mr. PEASE], who over the years have shared our common concern on the trade policy.

Mr. Speaker, if I could just take a couple of minutes. I know the hour is late, and I just want to reiterate a lot of the things that were mentioned earlier in this discussion.

Since 1980, we have accumulated more than \$1 trillion in trade deficit, and of course we know for every \$1 billion in lost sales, we lose about 25,000—25,800 jobs exactly. So, during the Bush-Reagan era or decade we have lost a substantial number of manufacturing jobs.

□ 1820

These are good jobs. These are jobs that made places like St. Louis, and Lawrence, OH, and Cleveland, OH, and Detroit, MI, great metropolitan areas, and provided sustenance and hope for the future for families.

If we look at what has happened during the 1980's, it is obvious, and it is clear a large part of this problem is focused in one country: Japan. Nearly 50 percent of that deficit is with Japan, and it has been consistently that way for the past 7 years. The companies there have violated our tax laws. Toyota is alleged to have recently violated voluntary restraint agreements. We have a whole series of questions now on dumping. The Commerce Department is investigating charges that Toyota, Mazda Motor Corp., and Nissan Motors are dumping minivans in the United

States, gaining market share by selling their vehicles at below cost, and U.S. Customs officials are considering whether Honda's Canadian-built Accords have sufficient American-made parts to qualify as domestic and thus avoid a tariff.

Everyone knows the tragic situation, and it is tragic, of our inability to penetrate those showrooms and their markets. They have a \$60 billion parts industry in Japan. We get 1 percent of that; 1 percent of Americans get any of that. Things are out of whack on a variety of different fronts with our trade relations with the Japanese and with some other countries as well.

What we need is a tough trade policy. I believe it is important to be strong and to be tough, especially when dealing with the Japanese, because they are very competent, they are very good, they produce good products. But they trade in a way that I do not think is in keeping with what we would like to see in the international trade area.

I often tell a story, and I will ask the indulgence of my colleagues for a second because I think it typifies that when we are tough with them we get their respect, and when we get their respect we get results. About a year and a half ago I had an amendment pending in the well on the defense bill. The amendment was listed before we broke for the August recess. This was about a year and a half ago, and the amendment was basically very simple. We have 50,000 troops that are stationed in Japan defending the Japanese, defending our interests there as well, but primarily to defend the Japanese. It costs the taxpayers of this country \$5 billion a year to send those troops there. We had a \$45 billion trade deficit with them at that time. Yet we are spending \$5 billion to defend them against God knows who any more, but nonetheless, maybe it is the Red Chinese, I do not know, but anyway, we have all of these troops over there. My amendment was very simple. The Japanese were picking up about a third of the cost of that. We said to the Japanese, increase your burden sharing, increase it and help us. We have this deficit. We are paying for the cost for your defense and you are spending maybe 1 percent of your GNP on defense. Help us out. If you do not, we are going to bring our troops back. I offered this amendment just to get the attention of my colleagues. I got a recorded vote and it passed 370 to 53, or something like that.

But about a day and a half later I am sitting at home about 9:30 at night and I get a call from the Japanese Ambassador here in the United States. He tells me, and this is August, remember, he tells me that the Cabinet has just met, and they have decided to increase, increase the amount of money that they are going to share in helping fight the Persian Gulf war. The war had just broken out over this summer.

I learned later from some of our officials, American officials, that the amendment on the floor that was adopted by my colleagues here by such an overwhelming margin made them reevaluate what was happening in the U.S. Congress. They were concerned because they had not received a defeat of that magnitude in such a long time. They are well represented in this town, as people know.

When you are tough with them, you get their respect and you get results. As a result, not only the amendment has become law now and they are paying an increased share of the burden, but as a result of that amendment, I think, at least I am led to believe, and I certainly do not want to take credit for it because it was everyone here that did it, and I did not expect, quite frankly, that it would pass by that margin, but the Japanese in negotiations with our people over there increased their share of the cost of the war from \$1 billion to \$4 billion. And as a result, as the war went on, and as we all know, they have increased that share up to \$13 billion.

So my point is, we need tough leadership with these people, and it has to come on the trade front.

The bill that my distinguished colleague, the majority leader and the gentleman from Michigan [Mr. LEVIN] and others have introduced to strengthen Super 301 I think will really help us, if nothing else, to push this administration forward, to give them the backbone they need to negotiate in good faith and to be tough.

As we know, Secretary Baker is over in Japan now, and the President eventually is going to go. I would hope that we could set some standards, not unrealistic standards, realistic standards for the President and his entourage and our Trade Representative, Mrs. Hills, and others to meet so that when they go they know what they can expect from us with respect to future trade with the Japanese.

When that happens, I think we are going to see a different attitude on the part of the American people with respect to this administration in terms of international relations and especially as it reflects on trade.

So I just want to commend my colleague. We are in a deep and very prolonged recession, 300,000 people a month exhausting their unemployment benefits. I could go on and on, and I am not going to do that because I am convinced that we can get out of this recession. I do not want to be accused of overly playing the fiddle and engaging in a malaise, but I think we can get out of this problem that we are in in this country.

But we have to be tough on trade. We have to produce better products here. We have to have an educational system that trains people for the right jobs, the right jobs when they get out of

high school, or for the right jobs after their postsecondary education. We have to make sure that we expand the opportunity for trade in the areas of the world that can now or will be in a position to receive our trade. And to the extent that this administration is tough on those issues, they can have the support of those of us on this side of the aisle. We will be behind them.

But to the extent we are going to get this wishy-washy response that we have gotten now for 12 years—and I must say that it preceded 12 years, to be very frank—then we are not going to get anywhere. We are going to continue to lose good jobs, thousands of manufacturing jobs, high-paying, quality jobs lost over this last decade.

It is such a tragedy, such a tragedy, and what we are seeing now as a result of that is two people working in a family where there used to be one, barely making the same amount that the one good manufacturing job wage brought into that family. And now we are finding that one of those two people is being laid off, or they are being cut back, or their health care benefits are being yanked from them.

So we have this real dilemma now. The chickens, as they say, are coming home to roost. The American people understand the dire economic straits we find ourselves in as a result of lax policies in the 1980's regarding trade and other things. And we want some action.

I am pleased to join with my distinguished colleague in talking about the fact that we will do things in this Congress in the next 2 or 3 weeks before we get out, a major transportation bill, 6 years, 2 million jobs; unemployment extension benefits covering literally millions of workers in this country and pumping maybe \$5 billion or \$5.5 billion through the economy; a major bill on middle-class tax relief introduced, hearings held, and we will move on that as soon as we get back. And, of course, one of the toughest jobs we will have, but one of the most important jobs that any legislative body could have, is to provide decent, affordable health care for people at a cost they can afford, and that of course will be at the top of the agenda as well.

I thank my colleague for his indulgence and for allowing me to share part of his time, and for his leadership on all of these issues.

Mr. GEPHARDT. I thank the gentleman for his statement, which was eloquent, and as usual, right on the point. I thank him for his work, and I look forward to working with him and other members of our caucus as we complete this agenda in these last weeks, and I look forward to the next year when we will address frontally and directly the issue of middle-income tax relief and health care for our people.

I so much agree with him that we can get out of this recession and we can

have a strong and vibrant economy, one which is fully competitive with any economy in the world, and that we can get our trade laws to be fair, so that our people who want to compete really can compete.

□ 1830

We will work as hard as we know how in the days ahead to make sure that these policies we need to be changed are changed.

MERRILL LYNCH'S IRRESPONSIBLE AD CAMPAIGN TRUMPETING BENEFITS OF IRA'S

The SPEAKER pro tempore (Mr. COOPER). Under a previous order of the House, the gentleman from Ohio [Mr. PEASE], is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, over the past few months we have been bombarded by advertisements from Merrill Lynch touting the virtues of Senator BENTSEN's super IRA proposal. Full page ads have run in several newspapers exhorting Congress to "bring this saving vehicle out of retirement." Frankly, I have been troubled by what I have read. The Merrill Lynch campaign has been filled with so many misleading statements and false assertions that I felt it was time to set the record straight.

First, it is important to recognize Merrill Lynch's motivation for pushing so hard to open up this loophole. In 1989, 27 percent of all IRA assets were invested in mutual funds and another 20 percent were invested in stock brokerage self-directed accounts. These are investments that Merrill Lynch markets, so it should come as no surprise to see the firm wanting IRA's expanded.

Now let me turn to the substance of their advertisements. Merrill Lynch claims that as a result of liberalizing IRA's in 1981, \$138 billion in new savings were created between 1982 and 1986. If that were true, it would represent a substantial increase in Americans' personal savings. Unfortunately, it is not true.

A CRS review of this matter concluded that the "evidence is ambiguous and contradictory." Other economists have also noted that determining whether IRA's were successful in creating additional savings is difficult, if not impossible.

Yet the statistical evidence makes an even stronger case against Merrill Lynch's statement. Department of Commerce statistics show that gross personal private saving—the only component of savings that the IRA could have directly affected—decreased by \$34.5 billion from 1981 to 1986. That's quite a bit different from an increase of \$138 billion. Given this evidence, it seems to me that Merrill Lynch is trying to deceive the American public about whether IRA's will improve sav-

ing. Instinctively, the Commerce Department's data make sense, if you think back to how IRA's were marketed by firms such as Merrill Lynch. First, they encouraged taxpayers who couldn't afford to save to shift whatever savings they had to IRA accounts in order to get the tax benefits. Obviously, that didn't increase overall savings, it just shifted assets to IRA sponsors.

A second tactic was to encourage taxpayers to contribute to IRA's before making any other investment in order to take advantage of the tax break. In essence what they told taxpayers was, "If you have already decided to save, you ought to put it in an IRA because of the tax advantage." Most of these families had already decided to save, so again this did not create new savings, it simply redirected money to IRA sponsors.

Finally, the most egregious marketing ploy practiced by IRA sponsors such as Merrill Lynch was encouraging families who didn't have enough money to contribute to an IRA to borrow the money. By doing this, families were able to take advantage of two tax breaks: Deductibility of the IRA contribution and deductibility of the interest on the borrowed funds. As with the other examples, this practice did nothing to increase overall savings. All it did was increase the funds that Merrill Lynch and others received.

Merrill Lynch has also expressed concern in their advertisements for the relatively low level of savings the average family has as they head toward retirement. I agree that most Americans need to plan better for the future. What I disagree with is whether the super IRA proposal will do anything to improve this situation. One benefit of the existing structure of IRA's is that the savings are specifically targeted for retirement. They cannot be accessed before age 59½ without incurring a penalty. That provides a strong discipline for families to leave this money for its intended purpose—retirement.

The super IRA proposal eliminates this discipline. The holding period for money contributed to a super IRA account is only 5 years. After that period, the money can be withdrawn, tax-free. While I agree that encouraging Americans to save for even 5 years would be an improvement, it cannot realistically be described as a retirement plan. After 5 years this money can be withdrawn and used for any purpose. With such easy access to these funds, is it reasonable to assume that this money will be there when retirement comes?

Furthermore, the super IRA proposal provides for even earlier access to purchase a first home or pay for a college education. These are worthwhile pursuits, but they will not alleviate the problem of Americans reaching retirement age without the resources nec-

essary to maintain their standard of living.

Finally, Merrill Lynch argues that IRA's should not be considered the savings vehicle of the rich. Yet, after their use was liberalized in 1981, 75 percent of taxpayers with income over \$75,000 contributed to them, while only 2.3 percent of taxpayers with income under \$10,000 used them. In their own ads, Merrill Lynch states that IRA contributions have dropped by 67 percent since the deductibility was curtailed in 1987. Yet, eligibility for deductible contributions was curtailed only for upper income families. These families represent only 13 percent of all taxpayers with earned income. If these taxpayers accounted for 67 percent of the contributions, that is pretty good proof of who will benefit from their return.

The fact remains that the benefits of the super IRA proposal fall predominantly to upper income families. The super IRA is nothing more than a Federal giveaway to these families. This giveaway will total about \$26 billion just in the first 5 years. Yet Merrill Lynch doesn't mention this cost in their ads or begin to talk about how we are going to pay for it. I think that is irresponsible.

AMERICAN TAXPAYERS SHOULD NOT BAIL OUT SOVIET UNION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 1 hour.

GENERAL LEAVE

Mr. DREIER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order I am about to present here.

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

There was no objection.

Mr. DREIER of California. Mr. Speaker, I have taken out this time to discuss an issue which, believe it or not, relates closely to some of the things that have been said by my colleagues on the other side of the aisle. The distinguished majority leader, Mr. GEPHARDT, and the majority whip, Mr. BONIOR, were talking about the problems of job creation over not just the past 12 years, but even the preceding years, and some of the challenges that we face.

Mr. Speaker, I am one who very clearly believes that many of the problems that we have as they relate to job creation have to do in large part with the tremendous spending patterns that have gone on in this Congress. That is why I have taken this special order out, because one proposal that came forward just a few weeks ago was to me literally incomprehensible. It is one which is designed to take one billion

U.S. taxpayer dollars and provide it to the Soviet Union.

Now, it is very clear that over the past at least four decades it has been the policy of the U.S. Government to do everything that we can to try and contain communism. Mr. Speaker, as we all know, based on the developments that really started with the revolution of 1989, we have not only succeeded at containing communism, but we have dramatically rolled it back. So, Mr. Speaker, it seems to me that it would be very foolish for us, having expended trillions of dollars to achieve that, to today do absolutely nothing. But to think of the \$3.8 trillion national debt which we have here in the United States, coupled with the economic challenges which Americans are facing all across this country, to think of expanding \$1 billion in direct aid to the Soviet Union is I think a real disservice to our goal of trying to help the Soviet Union.

Mr. Speaker, as it gets rather cold in Washington, DC, one of the things that comes to the forefront is we look at the prospect of a very cold and rough winter in the Soviet Union.

By the way, I still refer to it as the Soviet Union. We are all at a loss as to exactly what we should call it. The acronym U.S.S.R. [Union of Soviet Socialist Republics] is one that I have sort of renamed from U.S.S.R. to U.F.F.R. the Union of Fewer and Fewer Republics.

What we have seen is of the 15 republics, we have already seen the Baltics, Estonia, Latvia, and Lithuania declare their independence. So we are seeing independence movements all the way across the board, the Ukraine, over the Fertile Crescent. We are seeing these republics declare their independence.

So the question comes, do we, if we are going to provide \$1 billion in taxpayer dollars, send those to the Union of Fewer and Fewer Republics, or the former Union of Soviet Socialist Republics? Exactly who is to be the beneficiary of U.S. taxpayer largesse?

□ 1840

Again, it seems to me that it would be a real mistake for us to in any way provide that kind of aid package.

My main reason is not simply that we as Americans are faced with the challenges at home, but it is also that we have got to do what we can to really help the people of the Soviet Union. And as we look again at this tough winter, we do not want to see anyone starve. Obviously, there will be humanitarian aid which will come from the West to try and deal with the potential problems created by starvation in the Soviet Union. But to see basically a package that would just throw dollars at the problem, I think, would be a real disservice. Why?

Well, there are several very important reasons, Mr. Speaker. I would say

that the first reason is that we have witnessed very little change in the bureaucracy, the so-called nomenclature in the Soviet Union. We have seen those high-level bureaucrats remain in power and we have got a chart that has been put together here. And the second item on this chart, Mr. Speaker, if we could take a look at that, where it has Mikhail Gorbachev saying, "I have no idea." That statement was made in response to a question that was posed to him by Gorbachev's former Foreign Minister, Eduard Shevardnadze.

Shevardnadze said to President Gorbachev, "Mr. President, can you tell me exactly what happened to the \$2.9 billion which we have received in aid from the Western world?" And Gorbachev responded by saying, "I have no idea."

Now, when we hear that kind of statement made, one cannot help but wonder about the vision of leaders in this country who would call for a \$1 billion aid package to the Soviet Union.

There are other reasons we should not be providing this aid package. If we truly want to help the Soviet Union, Mr. Speaker, what we should be doing is we should be trying to think of creative ways in which we can take Western values and provide them to the Soviet Union. And by Western values, what do I mean?

Well, probably the greatest example is the dynamism of the marketplace. As we are going through economic difficulties here in the United States, some may question the value of the marketplace. But when one looks at another emerging democracy, that of Poland, I cannot help but be reminded of statements that were made by people who have been going through very difficult times under the radical economic reforms taking place in Poland and, when asked about how difficult it is, they say, "Yes, it is very difficult now, but it would have been much worse if we had continued down the road of totalitarianism."

It seems to me that this is another great example of that. So we need to do what we can to encourage the expansion of the free market process. After all, the people of the Soviet Union have overwhelmingly voted and protested and marched and made their statements in behalf of the movement in the direction of a free market. So rather than sending hard-earned U.S. taxpayer dollars to that already corrupt bureaucratic rathole, what we should be doing is looking at creative ways in which we can provide assistance.

The best way in the world is to encourage United States investment and United States economic dynamism to in some way take advantage of the opportunities which exist in the Soviet Union, and they will clearly help both American business and the Soviet people. So I think that really is the best route for us to take.

Another example as to why we should not be providing this kind of assistance came from an article that was in the Washington Times not too long ago. Mr. Fodornov, who is the Justice Minister, in fact, had discussed the prospect of actually calling to task President Gorbachev because there have been literally billions of dollars, dollars that have come from the West, that have been funneled to Communist Party apparatus within different countries. The Communist Party in France, for example, reportedly has received a great deal of this assistance. Other Communist Party organizations throughout the world, in Third World countries and in developed nations, have been receiving the Western dollars which had gone into the Soviet Union, according to these reports that Mr. Fodornov has brought forward.

So again, it seems to me that it would be a great mistake for us to go down the road of providing what truly are nonexistent taxpayer dollars to the Soviet Union.

I have a couple of other charts here and some things that I think need to be pointed out about the structure of things today in the Soviet Union. Ninety-eight percent of Soviet farmland is run by collectives, and only 2 percent is run by private farmers. I had the opportunity, when I was in August 1989 in the Soviet Union, to look at the agricultural structure. Many of us have seen on the evening news, and I actually saw in person piles and piles of food which, because of the corrupt, antiquated, inept distribution process, has literally rotted because it cannot get to the people. And we have also seen under the bureaucratic Communist structure of farming very little of the food, when it has been able to be distributed, actually produced to get to the people because, while 98 percent of the farms are run by collectives under the Communist system, only 2 percent under private farming structure, 25 percent of all food that is consumed in the Soviet Union comes from those 2 percent of farms which are actually run with the private marketplace as its base.

Then when we look at the fact that one-fifth of this year's grain harvest in the Soviet Union is likely to rot in the fields, still awaiting, as I was saying earlier, the very antiquated and often corrupt transportation system that is there. One of the things that I found in 1989, when I was there, is that many items could not get to the consumer because on virtually every step of the distribution process, what we witnessed was people who were ripping off those items every step of the way. So when something finally got to the consumer, it was literally minuscule juxtaposed to what was originally intended to be distributed to the consumer in the Soviet Union.

Based on the reports that I have heard, and I know that President Bush

very wisely sent a team of agricultural experts to the Soviet Union several months ago, based on the many reports which I have seen, we still have similar problems on this whole distribution process within the Soviet Union.

Many people have wondered what kind of major events developed to bring about this crumbling of the Soviet Bloc that we have seen. Clearly the crumbling economy was an important aspect of it. But also the defeat, which the Soviets suffered in Afghanistan, I believe, is a very important part of the Revolution of 1989 and the tremendous developments that we have seen over the past couple of years.

So Mr. Speaker, when we look at that, we do owe a tremendous debt of gratitude, and I have gotten off on a little tangent here, to the mujahadeen, those who fought for freedom, and this Congress. It was our package of support at the encouragement of Ronald Reagan and George Bush that provided the only real bipartisan consensus on military assistance, which is what it was, to the mujahadeen in Afghanistan. And they still are dealing with more than a few problems there, but they played a role in ensuring that the Soviets would not, as they had for decades, rolled over virtually every Third World client state that they attempted to absorb.

So that defeat that the Soviets suffered in Afghanistan was a very important part of the changes that we have seen. Nevertheless, it seems to me that for us to provide nonexistent U.S. Taxpayer dollars to the tune of \$1 billion would be a great disservice, not just to Americans but, Mr. Speaker, also to the people who are literally clawing to break the shackles of totalitarianism which they have lived under for 74 years this past week as the Bolshevik Revolution was marked just this last week, the 74th anniversary.

□ 1850

I am very pleased, Mr. Speaker, that a number of my colleagues have joined us on the floor.

Mr. Speaker, I am happy to yield at this time to the gentleman from Ohio [Mr. MCEWEN], my distinguished friend, a very hardworking member of the Committee on Rules; in fact, so hardworking I know that he has just, as I have, come down from the Committee on Rules now to participate in this, having I hope extended my regards to that great American, James Dobson, before he came over. I am happy to yield now to my friend from Ohio, Mr. MCEWEN.

Mr. MCEWEN. Mr. Speaker, I thank the gentleman for yielding. I express my appreciation for his holding the special order to try to convey to the world that many of us in the Congress hear what the average American hears, and that is that it is the height of lunacy to think that we should now bur-

den the American taxpayer with the responsibility of bailing out the Soviet Union.

The American people are the people that have held the torch of freedom for the last 45 years. You mentioned just now about the anniversary of the fall of the freedom government of Kerensky in the Soviet Union when it was over-run by the Bolsheviks, not against the czar, but against instituting a democratic republic, and they celebrated that on November 7 of every year. Also it has just been this past week the 1-year anniversary of the falling of the Berlin Wall.

Now, from 1945, when the Soviet godless atheist Communists confiscated most of eastern Germany and Eastern Europe, from that day until a year ago last Saturday, every inch of the border between East and West Germany was flown by an American helicopter paid for by American taxpayers. Every inch of that border was walked by an American GI wearing an American uniform, paid for by American tax dollars. The American people have borne the price of freedom for all these 45 years, having purchased it in the Second World War, maintained it, and brought us to the point to which you were referring until now. For the first time in the history of man there has been a total collapse of the intellectual debate as to the superiority of one political idea over any other political idea.

As we stand here today we can rejoice. We can stand here with our children and with our grandparents and say this, that if we were to stop a woman standing in line for bread in Moscow at this very moment, or if we were to stop a cab driver in Prague or Warsaw, or if we were to go to the Camposino in El Salvador or Nicaragua, they would all tell you the very same thing, that free elections and free markets are superior to any other political or economic system. Now, that is a joyous, joyous occasion.

That was not the case 5 years ago. That was not the case 50 years ago. It was not the case 500 years ago. The reason the American idea, conceived by 56 men, that because God had made them that they were entitled by that fact alone, endowed by their Creator with certain unalienable rights, life, liberty, and the pursuit of happiness, that was the American idea and that American idea has now become the premier political thought on the planet. I stand here to rejoice.

Mr. DREIER of California. Mr. Speaker, would the gentleman yield?

Mr. MCEWEN. I am pleased to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I think that is a very good and important point my friend makes. I would underscore it by saying that, yes, there is a great sense of joy that people feel throughout the world which they were not able to experience 5 years ago, as my friend says.

One of the things we have found since the revolution of 1989 when we saw the Berlin Wall fall on November 9, and we saw the great changes in the Eastern bloc, and really in other parts of the world, is that it has not been an easy transition, and it is not going to be an easy transition. I will never forget when, in Poland, again, I had the opportunity to meet with the Harvard professor, Jeffrey Sachs, who helped put together what is known as the Bolzarovich plan. He had been the Minister of Finance who played a role in putting together these dynamic reforms. Now we have seen many people in Poland talk about throwing them out, and we are going through very rough times. But I think the point my friend makes is an important one, because we absolutely have to help people stay on the road to freedom and democracy and election.

Now, we all know that one election does not automatically create the perfect democracy. We all remember Winston Churchill's famous quote that, "Democracy is the worst form of government of all. It is just better than all the rest." That constantly comes to mind when we think about the challenges that we will be faced with.

So my friend is absolutely right, that there is a great sense of happiness that we see in people throughout the world.

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

Mr. DREIER of California. I am happy to yield to the gentleman from Ohio.

Mr. MCEWEN. Mr. Speaker, as I say, our American taxpayer citizen resident has borne the cost of freedom for the world. Right at the moment that we are about to reap the benefits of that investment, of that risk, of that burden, now comes along the liberal spenders to say this of all things; "You spent all that time and effort trying to keep yourself free and make your friends free. Now we want to begin to burden you with the responsibility of bailing out your adversary."

Now, that is phenomenal, at least. We recognize it was not Germany, it was not Japan, it was not France that bore the burden of freedom, it was the Americans that bore the burden of freedom. Now we have the audacity, or someone in Congress, to suggest not only that the American taxpayers shell out \$1 billion to give to our adversary, but just to add insult to injury, to suggest as an additional little step of contempt, we will reach into the defense budget, which is now within the next 2 fiscal years the lowest since 1939 as a percentage of our GNP, the lowest since we invited aggression at Pearl Harbor, we will even reach in there and confiscate what limited funds are left and take that money and send it to the Soviet Union.

Let me just give these figures. In just the last 12 months alone, just the last

12 months, the Soviet Union has piled up an additional 125 new ICBM's targeted at American cities. They have floated 10 additional attack submarines, new ballistic missile submarines, 1,300 new tanks, 4,400 new armored fighting vehicles, 575 new fighters, 13,000 new surface-to-air missiles.

If the Members can comprehend this, I am just talking about in the last 12 months. We are talking about all the people standing in line for bread, we are talking about all of the starvation going on in the Soviet Union, and as we speak here they are continuing to crank out 4,400 armored fighting vehicles a year, 1,300 new tanks, more attack submarines than the United States has gotten in the last 20 years combined.

Of course, as you know we have only built 100 new bombers in our lifetime. The B-52, built in 1952, after its production, from that day until this we have built 100 new bombers. They have produced 40 new bombers in just the last 12 months.

Before we even think about it, before anyone ever gets the harebrained scheme or the daydream that the United States should begin to finance this operation, the very least we can do is use the common sense that God gave us and the average American supposedly possesses to say, "when you discontinue this sort of activity, when you take one of your attack submarines and turn that sword into a plowshare, not going back through the last 10 or 15 years but just the last 12 months, just continue what you are doing, then we will think about sending you aid." But in the short run it mitigates against any logical sense at all that when they are doing this that the U.S. taxpayer should be asked to finance it.

Of course there are going to be shortages. Of course they cannot afford to put food on the table when they are doing this ridiculous activity that the United States could never afford. We could not even dream of producing these kinds of weapons at this magnitude except maybe in wartime.

Mr. DREIER of California. Mr. Speaker, would the gentleman yield?

Mr. MCEWEN. I am pleased to yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, the gentleman makes a very important point about the tremendous buildup which we have witnessed just in the past 12 months, juxtaposed to the economic plight of the Soviet people. But it seems to me that to underscore that I have this picture on the front of the Washington Post Weekly, which was carried just about a week ago. It has a picture of Mikhail Gorbachev and Boris Yeltsin. The question is posed, "Is anyone running the Soviet Union?" So we not only have this tremendous weapons system buildup and the starvation and the economic plight

of the people in the Soviet Union, but we have this question, "Is anybody in charge?"

Alexander Yakovelev, who is the chief adviser to Boris Yeltsin, I have it right in this chart and I have attempted to tell you the truth, no one is in charge. So it seems to me that as we witness the breakup of the 15 republics, and we know that there are 2,000 warheads in the Ukraine and Byelorussia, and in Kazakhstan we know there is nuclear capability there and we know it is spread throughout the Soviet Union. So if you couple that with the challenges that my friend has raised, the idea of sending \$1 billion in taxpayer dollars to the Soviet Union is obviously reprehensible.

Mr. MCEWEN. Mr. Speaker, would the gentleman yield?

Mr. DREIER. I am happy to further yield to my friend, the gentleman from Ohio [Mr. MCEWEN].

Mr. MCEWEN. Mr. Speaker, I thank my friend for yielding to me. Our colleague, the gentleman from Arizona [Mr. KYL], is here. I must go. I will be late for a meeting that began an hour ago.

I do want to commend the gentleman from California for doing this special order.

Let me just say this final point. The Soviet Union was never involved in the fight in the Pacific. When it was apparent that Hitler had surrendered and the United States was going to mop up in Japan, then just about 5 days before the end of the war Stalin declared war on Japan and then moved in and stole the Kurl Islands, and that was the sum of their contribution.

□ 1900

Now, Japan has said to the Soviet Union, "If you want any aid from us, if you want investment from us, give us our islands back."

Let me just tell you this: I have no doubt in my mind, none whatsoever, and I firmly believe, that the Soviet Union will return the islands in order to get Japanese investment. You see, common sense says that, to the average person, if you want something, I get something.

Only the United States of America would think about sending money to the Soviet Union and never even asking, "How about if you point some of those missiles another direction? How about if you move some of your submarines off our coast? How about if you quit giving aid to Cuba and to Hanoi and to North Korea for its development of its nuclear weapons?" Only the United States.

I submit that no other nation in the United Nations would even think about sending money to an enemy and not even have the backbone or gumption to first ask why do we not get a little bit in response. That is what the American people are saying that before we do

that, No. 1, and my final point is this, I have introduced legislation that says that since they have the second largest oil reserves in the world, since they stole \$30 billion from every East European country in gold which they have kept, in gold bullion, since they have the largest strategic metals reserves in the entire world, they do not need anything from us.

If we want to send them food, they can give us oil. If they do not want to starve, then they can sell us strategic metals, seven of which are necessary for military defense fighters, that we purchase from them on the open market.

Unless we get a little quid pro quo, that is, you give us your strategic metals and then we give you some grain, and everybody in America can understand that, and only the U.S. Congress, only the U.S. Government would think about saying why do we not just tax the taxpayer, add the burden and send it to them. "If you do not want to pay, if you do not want to even cooperate with us, then fine." Common sense says tear down your missiles, shut down your submarine line, quit building your tanks, and then you will have money to do other things, and in the process of it, the U.S. taxpayer will have a little more freedom for his investment after 45 years.

Mr. DREIER of California. Mr. Speaker, I thank my friend for his very important contribution. It sounds like one of the most brilliant pieces of legislation to have ever been introduced in this House. I think there is so much common sense to it that it will be a challenge for us when we finally get it up in the Committee on Rules to ensure that the opportunity to offer that amendment is in there. But I believe that that is the kind of thing that the American people would overwhelmingly support.

The Washington Post did a survey that came out, the Washington Post-ABC News poll, which had an overwhelming majority of people, 75-80 percent, in different polls stating that we should not be providing this kind of direct assistance to the Soviet Union. I think that the gentleman's legislation would be an excellent way for us to try and address this problem. I thank him for his contribution.

Mr. Speaker, I am very pleased to have been joined by one of the greatest leaders when it comes to the strategic defense challenges, my good friend from Phoenix, AZ, the gentleman from Arizona [Mr. KYL]. I yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I appreciate the gentleman yielding. I want to compliment him for conducting this special order and also to say a special word of thanks to our colleague, the gentleman from Ohio [Mr. MCEWEN], who, as the gentleman knows, was instrumental in attaching conditions on any aid that

might be provided to the Soviet Union when the foreign aid bill came before this body. It was the gentleman from Ohio [Mr. MCEWEN] who came up with the idea that if there were to be any kind of an aid bill, then at a minimum the United States ought to make certain that the aid would do some good, in other words, that the Soviet Union would transform its system into one that could actually use the aid and have a free-market, free-enterprise system or free-market economy, and second, the defense expenditures should be reduced dramatically before we considered giving any aid.

Mr. DREIER of California. If I might say very humbly, I think that was the McEwen-Dreier amendment, was it not?

Mr. MCEWEN. If I may say boldly, it actually has long been a Kyl amendment which I was pleased to sponsor on behalf of both of us. We did it together. But the gentleman from Arizona [Mr. KYL] has led the way on this, and that is that the reduced defense expenditures, the discontinued support for client states, that they point their targeted missiles in another direction than the United States, and that they reduce their percentage of the GNP going to that.

Mr. KYL. And we had one other general set of conditions which have been satisfied, and that is to grant freedom to the Baltic States and improve their record on human rights and provide for self-determination for people in the former Soviet Union. It should come as no surprise, Mr. Speaker, to you or other colleagues here, that the three of us were all involved in that effort. But the reason that I bring that up, and in further embellishing on the point that the gentleman from California has been making here is that things have changed a little bit since this body adopted the Kyl amendment, 371 to 43, and that amendment was also adopted overwhelmingly in the Senate. So both bodies are on record as attaching very strict conditions on any aid to be supplied to the Soviet Union.

Since that time, some things have changed. Some people in this body and in the other body believed that they could, in effect, whiz one by us, that they could find a bill to provide aid to the Soviet Union that these conditions would not have to apply to, and the chairmen of the House and Senate Armed Services Committees, therefore, without ever having any hearings, without proposing it to their colleagues in any sense or in any form in which we could provide our own sense of Congress or have a vote, let alone a debate, they put it in the defense authorization bill, and that is what my colleague, the gentleman from California, has been referring to here about this billion dollars in aid to the Soviet Union coming right out of the defense bill. It came out of the account that

provides, among other things, for health care for American servicemen and servicewomen.

It seems quite strange that this is what happens to the defense bill in this country when tensions are eased. We hurt our own servicemen and servicewomen and send the money to the Soviet Union.

But back to my original point, it seems odd that after the Congress going on record very firmly for strong conditions to be applied to any aid to the Soviet Union, some of the insiders in this body would decide that they could whiz it by us, put it in the defense authorization bill, and that nobody would be able to amend it, because, of course, that is a bill that has to pass, and the President has to sign it if we are going to have a defense for this country.

But, of course, it was discovered, and when it was discovered, people on both sides of the aisle, Republican and Democrat, rose up and said, "No way. Our constituents will not stand for this. The American taxpayers will not stand for this." And as a result, I believe that as of this evening we can at least be somewhat assured that that billion dollars will be removed from the bill when it comes before us for a final vote, and that the will of the American taxpayer will have again succeeded in this body.

But it demonstrates that you always have to be vigilant here, because it seems that some of our Members are just bound and determined to give American taxpayer dollars away to the Soviet Union before they have achieved the major conditions that they have to achieve.

Now, going back to another point that the gentleman from California was making as well as the gentleman from Ohio.

Mr. DREIER of California. On that, I think the gentleman makes an excellent point, and it came, and was best stated by, Pavel Bunich, who is one of the top economic advisers to Mikhail Gorbachev, who said very simply there has been no economic progress at all, and that seems to say best what my friend was referring to.

Mr. KYL. I appreciate the gentleman yielding further, and that is exactly the point. You do not want to throw good money after bad.

Certainly if the Soviets have a system which can use our money productively, which can actually assist them to reform their economy to a free-market economy where they can begin to have the same kind of opportunities that we have in this country to own private property, to be in business, to have employees, to make a profit, to invest that money in some kind of enterprise, if they can develop that kind of system and we can help them do that, it will not only help to develop markets that the United States could then supply goods to, but also would

undoubtedly make a more peaceful world. That is the condition that has to exist first.

Otherwise, whatever we send to them could well either, first, be wasted, or second, go right into the hands of the people who plotted the coup just a couple of months ago, the people who very, very much would like to regain power that they have lost, and that is why it does not make any sense to be just sending money directly over to the central government until we know that they have reformed and until we know that they have a system that can accommodate that aid.

Just a final point that I wanted to make on this question of the money coming from the defense budget: as my colleague, our colleague from Ohio, pointed out, during the last 5 years really that Gorbachev has been in power in the Soviet Union, it has continued in cookie cutter fashion to churn out tanks, planes, personnel carriers, artillery, weapons of all kinds, ballistic missiles, while the United States has been cutting back on our defense for the last 5 years, and the next fiscal year will be the sixth straight year American defense spending has declined as a percentage of our GNP and as a percent of our budget in real dollar terms, in other words, not even accounting for inflation. We are talking about a 25-percent cut in defense, and no other part of the American Federal budget here has declined that dramatically to the point, as the gentleman said, that in a couple of years we will be spending less money than we did on defense prior to World War II, less than 4 percent of our GNP.

The Soviets, on the other hand, are spending somewhere in the neighborhood of 25 percent of their gross national product on defense, and it does not seem too much to ask that before we ask American taxpayers to spend their money to help people in the Soviet Union that the Soviets engage in a little self-help of their own to cut their defense expenditures and apply that money to more peaceful means.

Mr. DREIER of California. I would like to ask the gentleman if I could. I thank him again very much for his very excellent contribution here.

□ 1910

You know, 2 years ago I remember seeing that \$17 billion a year was provided in direct assistance from the Soviet Union, \$6 billion a year to Cuba, \$4 billion to Afghanistan, \$2½ billion to Vietnam, \$1½ billion to Syria, and a billion each to Angola, Yemen, Ethiopia, and North Korea. You can go through this litany.

Now, I remember seeing in the news not too long ago that President Gorbachev indicated that they would be cutting off Cuba and that \$6 billion package would obviously not be going there and Fidel Castro would have to stand on his own.

Without disclosing any great secrets, is there evidence that we have seen a diminution of that flow of assistance from the Soviet Union to Third World puppet dictators of theirs?

Mr. KYL. Well, I think the gentleman knows the answer to the question, and that is we have seen the Cubans get very nervous because they believe it just might happen. We have not seen any direct evidence, at least that I am aware of yet. What we have seen is some indication that the military forces of the Soviet Union might be withdrawn from Cuba, but I think it is something like 60,000 technical advisers who keep the radars tuned to all the United States frequencies, in other words, all their intelligence gathering apparatus will continue. Is that the information the gentleman has?

Mr. DREIER of California. I think that is it partially.

The gentleman raises another very important point that my friend, the gentleman from Ohio, also did, and that is the potential nuclear threat. We know 2,000 nuclear warheads in the Ukraine, several hundred in Byelorussia, Kazakhstan, as I was referring earlier, and now we are aware of the fact that the Soviets are playing a role in the move toward nuclear warmaking capability in North Korea. It would seem to me that as we look at the aid package that that would be one of the keys to reduce if we really are on the road toward ensuring world peace.

Mr. KYL. Well, the gentleman is absolutely on target on this one. One of the biggest threats that we are going to be facing in the next decade or two is the threat from Third World countries that are not friendly to us, countries like Iraq in the past, Syria and Iran and North Korea and Libya and countries like this. When the Soviets are sending them missiles and nuclear capability, you have to wonder whether we should be sending aid to the Soviet Union.

Scud missiles came from the Soviet Union. Scud is the Soviet term. These others countries then through their expertise have modified them and sent them on for use.

Mr. DREIER of California. Does the gentleman mean that Saddam Hussein did not actually develop the Scud missile? I am sure there are many people who think it is a product of Iraq.

Mr. KYL. Well, as my colleague well knows, Saddam Hussein took that Soviet missile and modified it to suit his own needs, but it was a Soviet missile, and that is the point that the gentleman was making, and that is that one of the minimum requirements that we should have of the Soviets before we send them aid to stop this proliferation of missile technology and nuclear technology.

There is a very important point here that Secretary Cheney has made recently. There is only so much of this

that can be discussed, but I hope that people will read a little between the lines here. Secretary Cheney is saying that one of the biggest concerns that he has in the future is the technology that is going to come out of the Soviet Union as it breaks up. You have thousands literally of very educated and highly trained Soviet scientists, physicists, people who have been working on ballistic missile technology, nuclear technology.

Now, where are all these people going to find work? To whom are they going to sell what they know? It does not take a genius to figure out that in a country that is breaking apart and may not be able to employ all these people in its centrally controlled missile and nuclear systems in the universities and in the governmentally sponsored programs that exist there, that these people are going to find work elsewhere, and it will not take much to buy off some of these people.

Let us remember where the United States got the brain power to develop our atomic capability. It was not from the shores of the United States. It was from people who came here from Europe.

Secretary Cheney is very concerned that people within the Soviet Union today will end up providing what is in their heads to Third World countries who will pay a very high price for that kind of technology and who may well use it in the future against the interests of the United States. I think that is the point the gentleman was making.

Mr. DREIER of California. Absolutely. I think something we need to look to again as we try to focus on this billion dollars which I feel confident, as my friend does, that will not be provided, but when one thinks of the reasoning behind it and the great intentions, we do want to help them. We want to insure that the Soviet people do not starve to death this winter, but when one looks at the challenges that we face here at home, and people on both sides of the aisle here wanting to insure that we create jobs and opportunities here in the United States, that these nonexistent—and I say nonexistent because of our \$3.8 trillion national debt—that we have nonexistent taxpayer dollars to send to the Soviet Union would be a real mistake.

There are other reasons it would be a great mistake. I have this chart right here which shows that \$62.87 billion has already been pledged or given to the Soviet Union throughout the world. You can see \$38 billion has gone from Germany. A large part of this has come from the banking industry. So if we were to provide a billion dollars, what our billion dollars would be probably doing as a priority would be repaying the banks of Japan and Germany and other countries throughout the world. So it is incomprehensible again that we

would think of expending U.S. taxpayer dollars to repay those debts which have been exacerbated through an extraordinary corrupt system which to this day exists in the Soviet Union.

Mr. KYL. Mr. Speaker, if the gentleman will yield on just that point, humanitarian aid, no one is going to oppose that to those who really need it, assuming we have a delivery system and a means of getting it to the people who need it, whether it is in the Soviet Union or anyplace else in the world. The United States has always prided itself on that; but the point the gentleman just made is one that needs some reiteration and further explanation. The gentleman knows this better than I.

What has occurred in the past is that European banks, and particularly German banks, cozying up to the Soviet Union for their own reasons, lent billions and billions of dollars to the Soviet Union.

Now, how will the Soviet Union repay that? Would the gentleman explain to all of us here what would happen if the Soviet Union is granted membership in the International Monetary Fund and the World Bank with respect to the repayment of that money and who would in effect be repaying those German banks?

Mr. DREIER of California. Well, as my friend knows, first of all, there are not too many of us here. My great friend, the delegate from the American Samoa, Mr. FALEOMAVAEGA, is very patiently waiting here and my friend, the gentleman from Arizona; but I will say, addressing it to the Speaker, that when one looks at the potential for membership in the International Monetary Fund, the World Bank and all, who is the largest contributor to these international organizations? The American taxpayer.

So it is very apparent that as we look at the challenge of trying to see the Soviets repay these debt obligations to Japan and Germany, utilization of dollars from these international financial entities which have as their largest contributor the American taxpayer, what it means is that the American taxpayer will be providing the capability for the Soviets to repay these loans.

Mr. KYL. So if I could ask the gentleman just to yield further, just to put it into terms that all of us would understand, if you have a home mortgage with bank A and you owe that bank a lot of money and you want to refinance and take the loan out with bank B, bank B in effect pays bank A off. Now you owe bank B. Is that not exactly what would be happening here?

Mr. DREIER of California. The gentleman has put it very clearly here. Obviously, utilization of the American taxpayer supported international banking organizations, which are frankly not all bad, but to incorporate now this

Soviet Union which lacks leadership, leaders in that country have said it, lacks the kind of direction that is necessary to move toward a free market, that entity would be utilizing American taxpayer dollars to pay off these debt obligations which are outlined on this chart.

Mr. KYL. I think the chart the gentleman shows is very important, if the gentleman will yield further, because it clearly shows that Italy and France have lent a lot of money, by far and away Germany has lent the most money. Part of that was for political purposes in trying to accommodate the Soviet Union, trying to effect the merger of East and Western Germany together, but also a large part of that I think was an opportunity that was taken by German bankers to get involved in the markets before anybody else did, to get there first. That is why they wanted to invest so heavily in the Soviet Union. Of course, if the Soviet Union then is allowed to get into these international funds, which the gentleman correctly pointed out, the United States is the major contributor, in effect we would be taking over the debt position for the German banks, which then would be paid off with guarantees from the American taxpayers. It does not make a lot of sense to me.

The other thing that does not make a lot of sense to me, if I could just make this a little partisan for a second—

Mr. DREIER of California. It never happens on the House floor here, but if the gentleman would like to go ahead to a sense of partisanship, the gentleman is welcome to do that.

Mr. KYL. It is a rare thing, and I hope the Speaker will forgive me for this.

□ 1920

But it has certainly been the case that people on the other side of the aisle have been, shall we say, critical of the President of the United States for not caring enough about things here at home. "No, Mr. President," they say, "you care more about the people in Europe, Africa or Asia, and you ought to come home and be concerned about the people here who need an education, need a job, need health care. Our economy here is not in the best shape. American taxpayers deserve your attention," they say.

Well, who is it that is proposing aid to the Soviet Union? It is certainly not those of us on this side of the aisle who have been critical of this kind of aid proposal, but it has been ideas generated on the other side of the aisle to provide all of that aid. I would say to them, if you are going to be critical of the administration for not caring enough about the taxpayer, why are you proposing this massive giveaway of American tax dollars to the Soviet Union?

It seems to me you cannot have it both ways. If you are going to criticize

the President, then you should not be proposing these massive aid packages. Perhaps you ought not to criticize the President, but acknowledge the fact that we have requirements in the international arena. No President in recent history has done a better job than President Bush when it comes to handling international affairs, and perhaps we ought to focus a little bit on the domestic agenda, saving American taxpayer dollars, not sending them to countries like the Soviet Union.

Mr. DREIER of California. The gentleman makes a very good point. The fact of the matter is that this ill-conceived idea which did, in fact, emanate from the other side of the aisle, calling for a billion dollars in aid, will not only create even greater economic problems at home but that kind of direct aid will exacerbate and prolong the economic plight of the people we are trying to assist.

Our goal, of course, is to do what we can. That is why I say what we need to do is to look at these creative ways in which we can encourage Western investment, not just direct loans to this already corrupt bureaucratic rathole, but investment to try to help move toward a free market as the people in the Soviet Union said they really want.

So the idea of extending a billion dollars in aid to the Soviets will make things worse rather than make them better, because we have seen \$62.87 billion coming from nations throughout the world in loans. And we see the statement made in response to Eduard Shevardnadze's question to Mikhail Gorbachev, "What has happened to the billions of dollars?" And his response was, "I have no idea."

We do know what has happened to those dollars. What has happened is they have fallen within the nomenclature of the bureaucratic maze, which is corrupt, rife with all kinds of abuse. So what happens is, rather than helping the Soviets move in the direction that they all seem to seek, we would be making things worse for them if we would even consider providing this.

Mr. KYL. If the gentleman would yield for a question on that: Foreign aid has been criticized by our constituents for years because we keep giving it to some dictator who simply pockets the money for himself and his cronies, and it never gets to the people who really need help. That has been the criticism, and, to a large extent, that criticism is valid.

I would ask the gentleman, do you think that that same kind of situation would exist today and is that not what we are trying to say when we ask the Soviets to reform their system so that it would not go back to the same people but actually it would get into the hands of the real people?

Mr. DREIER of California. I would respond to the gentleman by saying,

interestingly enough, I believe this would be, believe it or not, even worse. At least in the past when we have tragically seen hard-earned U.S. taxpayer dollars go into the hands of maybe some corrupt dictator, we at least know that they are there. If we see this billion-dollar aid package go to the Soviet Union, it would end and we would have absolutely no accountability for it whatsoever. So, from my perspective, it would be even worse than what we have seen before.

So the gentleman is absolutely right in that assertion.

Mr. Speaker, I yield further to the gentleman from Arizona.

Mr. KYL. Just on another point: The Soviet Union now does not exist. When we talk of the Soviet Union, we are talking about a country that used to exist, an empire that used to exist.

Mr. DREIER of California. Before my friend arrived, I used something that Doug Riggs, my very able staff member who is here, provided me. He has renamed the Union of Soviet Socialist Republics, U.S.S.R., to the U.F.F.R. [the Union of Fewer and Fewer Republics]. So that is the way we now refer to that part of the world.

Mr. KYL. Just to continue on this point, it seems to me to be a mistake to refer to the Soviet Union as if it still existed as one empire of 15 republics joined together with a central government.

The central government, to be sure, still does conduct a foreign policy that applies to maybe 10, 11, 12 republics, depending upon who signs on at any given time; it still conducts the defense policy for maybe 10 or 11 republics, depending upon the moment; but with respect to the economics, the system that actually applies, the market system that applies to each of those republics now, it seems to me that is basically broken apart. What we ought to be talking about now is assisting the people in the individual republics to the extent that they need the help, that they can use the help, and if they have reformed their system so as to accommodate any assistance that is provided from the West, be it in the form of technical advice or some kind of entry into markets that the West has or even maybe some monetary assistance under certain circumstances. But we really should be talking about these individual republics, some of whom have indicated a real desire and intent to try to reform, the Russian Republic being one of those, under President Yeltsin. Others ruled by some of the bad guys, the nomenclature that the gentleman referred to a moment ago, who really have not reformed yet. They have not given us any idea that they want to reform.

So when we talk about an aid package like this, also we have got to be discriminating about who exactly it is we are sending it to; not just the gov-

ernment versus the people, but which government. That depends largely on which ones have made the commitment to change their system so that the money that is given to them has some possibility of assisting in the creation of a free market economy and advancing democratic reforms. If they cannot demonstrate that kind of commitment, then apart from all of these issues relating to defense expenditures, here too this would be an impediment to that aid doing any good and therefore it should be a brake on any aid that is supplied by the United States.

Mr. DREIER of California. I thank my dear friend from Arizona. We are rapidly running out of time on this special order. I would say simply that those of us on this side of the aisle are trying to send an overwhelming message: "Do not send hard-earned taxpayer dollars to the corrupt Soviet system which is in existence. It would do nothing but hurt those whom we are trying most to help."

Mr. Speaker, I thank again my friend from Arizona [Mr. KYL] for making this very helpful contribution. I thank again my friend from American Samoa, Mr. FALEOMAVAEGA, for his patience and endurance which he has demonstrated here.

Mr. Speaker, I yield to my friend, the gentleman from American Samoa.

Mr. FALEOMAVAEGA. I thank the gentleman for yielding.

Mr. Speaker, I have been listening here with great interest to the dialog that has transpired. I certainly want to commend the gentleman from California. I think the questions that he raised were very constructive in terms of the issue now before the Congress on whether or not we should provide a billion dollars assistance to the people of the Soviet Union.

I do not believe there is anyone here in this body that would love to give this billion dollars in order to allow the Soviet Union to construct or build more Scud missiles. I would think that the gist and the primary purpose of this humanitarian aid is to provide for what has been known, I think, in the past several weeks—there have been testimonies on both sides, in both bodies, to the effect that if we do not provide some assistance to feed the people of the Soviet Union, they are going to starve this winter.

I think if that is not the purpose of this whole effort to provide this kind of assistance, then I think the gentleman's concerns are very well taken.

Mr. DREIER of California. If my friend would yield on that very important point that was made, we have been saying here that we want to ensure that necessary humanitarian aid to prevent starvation, so that starvation does not take place there. Our concern is with this proposal which was to provide \$1 billion in direct aid when we have seen this litany of other

contributions from throughout the world, which I believe would jeopardize it. I appreciate the gentleman's making this point.

Mr. Speaker, we all look forward to hearing from the gentleman from American Samoa, Mr. FALEOMAVAEGA.

Mr. ARMEY. Mr. Speaker, at this critical moment in world history, there is a grave danger that the United States will try to do the right thing in the wrong way.

I feel strongly that we do have a role to play in helping the Soviet Union make a transition to democratic capitalism. The prestige of our way of life has never been higher. From Mongolia to Nicaragua and all points in between, people are embracing free markets and free government as the way to peace and prosperity. Should the Soviet Union attempt the transition and fail, collapsing instead into near permanent economic ruin, this entire world movement to democratic capitalism could falter and a unique opportunity to spread the ideals of Thomas Jefferson will be lost. All who care about limited government and free enterprise—especially American conservatives—should recognize that we have an immediate and urgent interest in the success of the Soviet reformers.

But trying to help the Soviet Union and actually doing so are two very different things. Some of the proposals that have been tossed about in the wake of the August coup suggest that we should be sending billions of dollars in cash to the Government in Moscow and trusting Soviet bureaucrats to spend it as they see fit. This would be a serious mistake.

First, any aid to the Central Government tends to strengthen it against the Republics desperately seeking independence. We are committed to the freedom of the Republics, and we should design any American aid program accordingly.

Equally important, most forms of government-to-government assistance would likely lead to the mass squandering of aid money and blank the difficult reforms that need to be made. We tried such an approach in Poland in the 1970's by arranging for billions of dollars in international loans to the Polish Government. No significant reforms were made, the money disappeared through the cracks of the broken Polish economy, and that country had nothing to show for our good intentions but a crushing foreign debt. Government-to-government aid tends to be distributed by central planners and inefficient bureaucrats, and it is rarely help to build a dynamic economy. Africa and India and other places in which international assistance agencies have tried such an approach are littered with rusting steel mills and broken hydroelectric plants that stand as monuments to this form of misguided international charity.

The American aid program to the Soviets should instead contain a number of measures that will help develop the Soviet private sector, both within Russia and the other Republics. Such a program will require the best efforts of conservatives to devise. Let me suggest some ideas:

First, we should enact tax changes to help encourage American investment in the former Soviet bloc. The Institute for Research on the Economics of Taxation has suggested tax poli-

cies that would be effective without micromanaging economic decisions. For example, we could adopt "tax sparing," a policy under which U.S. firms could benefit from a low foreign tax rate. Current law forces U.S. firms to pay the difference between the U.S. tax rate and the foreign tax rate to the U.S. Treasury. That way, even if the foreign country offers a generous tax incentive to foreign investors, our firms cannot benefit. We could spare United States firms the additional United States tax on top of the low foreign rate, and allow them to take advantage of whatever favorable tax incentives the Soviets may wish to offer. There are other provisions we could enact as well.

Second, we could continue to liberalize our trade laws with the constituent parts of the Soviet Union. Most-favored-nation status should be extended to all the Republics meeting relatively relaxed conditions. There is no doubt that income earned through foreign trade does far more to strengthen an economy than any amount of foreign aid checks.

Third, in a number of ways, we could encourage American managers to spend time in the Soviet Union teaching its people the workings of the free market. After years of being taught that capitalism is an exploitative system, many Soviet citizens have difficulty understanding that under capitalism, one man's good fortune is usually the good fortune of all. They have difficulty learning to look for new opportunities, to deal with uncertainties, and to make the decisions required. No one can better help them with these hurdles than men and women who have lived and worked in the American economy.

There are many other possibilities. The point is that we must help develop capitalism in the Soviet Union, not merely perpetuate central planning. Any aid program that fails to do so will be worse than no aid program at all.

The Soviet attempt to build a free economy on the ruins of the world's largest command economy is the most critical issue of the 1990's. We need the best wisdom of American conservatives to devise an aid program that will truly help the Soviets succeed.

NUCLEAR TESTING IN THE SOUTH PACIFIC

The SPEAKER pro tempore (Mr. COOPER). Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, once again, I come before by colleagues in the United States Congress and before the American people to make an appeal on behalf of the inhabitants of the Pacific region, to do what we can to stop the senseless and destructive testing of nuclear weapons in French Polynesia.

Arguments in favor of nuclear testing usually evolve around fighting and deterring war. The rationale goes something like this: Design, build, and test weapons with long-term nightmarish destructive capabilities, and everyone will be too scared to use them. Both conservatives and liberals have

been debating the logic of this nuclear deterrence theory for decades.

But there is a growing constituency that is largely ignored in the arms debate. Over the four-decade span that makes up the nuclear age, thousands of people have seen their communities destroyed and their health jeopardized by weapons production and testing itself—from the extraction of uranium in underground mines, to the refinement of nuclear fuels in the factory, to the explosion of nuclear bombs in the atmosphere, under ground, or under water. One such group inhabits the islands claimed by the French in the Pacific, where France continues to conduct underwater nuclear tests.

Going through an article written by Judy Christrup of the Greenpeace Organization, I came across several testimonies from residents of French Polynesia island group—the largest of these islands known throughout the world is the island of Tahiti. Other well-known islands, also in French Polynesia, include Moorea, Raiatea, Huahine, and Bora Bora.

Mr. Speaker, I want to share with my colleagues the oral testimonies of French Polynesians who were subjected to nuclear contamination. Mr. Manutahi, a welder who worked at the test site in Mururoa from 1965 to 1980, when he became too sick to work, testified:

It was during drilling work that I got contaminated. I was working in a little hole trying to dismantle an old pipe. I wasn't careful enough and got splashed by some water that had been left in the hole. It was mainly my hair that got wet as I wasn't wearing any protective gear on my head. I tried to wash it but it was difficult to get the stuff out. When I went into the decontamination chamber all the alarms went off. I washed my hair three times it was still radioactive * * * so a specialist had to use some special product to de-contaminate me.

It may be argued that the lives lost over the past 45 years are a small price to pay for nuclear deterrence. A full-blown nuclear war would undoubtedly be far more deadly. Unfortunately, those suffering the consequences of radiation poisoning do not do so as willing martyrs for the greater good. They are simply not told.

The pattern of secrecy, arrogance, and neglect of workers and residents has been repeated around the world, from certain miners of Utah to the irradiated Australian aborigines of Maralinga.

Mr. Hiro, who lived on Tureia, 78 miles from the testing site of Mururoa, testified:

When the French military first arrived and explained what was going to happen, lots of very important people came to the atoll to talk to us. The admiral came and told us that there was no danger and that nuclear bombs were good. He came with a man who was said to be a professor and was introduced to us as one of the greatest scientists in the world. This man's knowledge could not be argued with. The admiral compared him to a

fabulous pearl. This man also said there were no dangers for us.

The casualties of the French nuclear testing program are French citizens of Polynesian ancestry. Our ancestors who inhabited the 130 islands and atolls—called Te Ao Maohi—remained free of European influence until the late 18th century, when traders, whalers, and missionaries settled on the islands bringing fatal diseases and paving the way for colonization. Those who resisted colonization, like Tahitian Queen Pomare, were subdued by threats of bombardment and deportation to New Caledonia—another French Pacific colony fighting to free themselves from French administration.

When France chose its Polynesian colonies as nuclear test sites in 1962, the islanders resisted. The 30-man elected territorial assembly objected to the plan, but was ignored. The Governor of French Polynesia wrote to the head of the island assembly, saying, "I should like to repeat my assurance here, in the name of the republic, that all necessary measures are being taken to guarantee that the population will not suffer in the slightest degree from the scheduled experiments."

France finally decided to conduct the bulk of its testing program on the tiny atoll of Mururoa, which means "the great secret" in our Polynesian language.

France's Prime Minister at the time, General Charles De Gaulle was enthusiastic and single-minded about his country's nuclear testing program. When France exploded its first nuclear bomb in Algeria, his cable message read, "Hurrah for France! Since this morning she is stronger and more proud than ever!" After one successful atmospheric test on Mururoa, De Gaulle was scheduled to witness the next explosion on September 10, 1966, from the cruiser *De Grasse*. The test was postponed because the wind was blowing toward inhabited islands to the west. After a day of waiting, De Gaulle's patience wore thin, and he ordered the bomb to be detonated—the French President ordered the bomb to be detonated with the full knowledge that the winds were heading toward inhabited islands. Monitoring stations operated by the New Zealand's national radiation laboratory detected heavy radioactive fallout in the Cook Islands, Niue, Samoa, Tonga, Fiji, and Tuvalu.

Mr. Edwin Haoa, who was a leader of a team monitoring radioactive levels after the tests, has testified that:

Instead of drifting away, the mushroom cloud drifted over the boats. It started to rain and everyone was ordered below deck. However, a group of Polynesians who were playing the guitar on deck did not understand and stayed on deck.

De Gaulle's enthusiasm for nuclear testing reflected both the French elite's embarrassment over the rapid defeat in World War II and their vision of a militarily independent nation that could act as a counterweight to the belligerent superpowers. As Paris-based journalist Diana Johnstone said, "it could be argued that what all post-1940 French leaders have striven to restore the power to master the nation's fate and keep it from falling to pieces."

But France's desire for power and to be a member of the nuclear club is ob-

viously more important than the lives of its own citizens who happen to live 10,000 miles away from France, and who have suffered enough from nuclear testings.

Even the most simple aspect of Polynesian life, a meal with fresh fish, has become dangerous because of ciguatera fish poisoning. An article appearing in the January 28, 1989, issue of the scientific journal *The Lancet* reports that increased incidents of ciguatera "are related largely to military activities that disturb coral reef ecology." The researcher, Dr. Tilman Ruff, concluded that ciguatera outbreaks in Micronesia, Melanesia, and Polynesia occurred after World War II battles and nuclear testings in the Pacific region.

Mr. Tehiura, who as a dock worker at Moruroa from 1963 to 1968, testified:

What I saw was no longer recognizable as a human being. Basinas could not talk and his whole body was black and suppurating. He had pains in his joints and he was still scratching and pulling his skin off. Usually, patients who arrived at the hospital sick from eating fish go straight to Tahiti and dismissed, but it was probably not possible with Basinas because he was so sick.

France has always maintained that its nuclear tests are perfectly safe. Yet the French Government stopped publishing health statistics of French Polynesians in 1963—just after the testing began.

As time went on, it became increasingly difficult to keep unflattering news about the testing program from the public. News of two accidents in 1979 and a typhoon in 1981 leaked out. The first accident—the explosion of a plutonium-contaminated bunker—killed two workers and injured three. The second accident occurred when a bomb got stuck halfway down a test shaft and—was detonated anyway. The explosion, measuring 6.3 on the richter scale, caused a million cubic-meter piece of the atoll to drop into the ocean, and which in turn caused a tidal wave. The French authorities denied any connection between the tidal wave and the explosion.

Mr. Tama, who was an office worker in Moruroa during the 1960's, testified:

After the explosion, people with special protective gear had to enter the bunker and pour cement over the whole container. They were only allowed to stay in there for a short time as the whole place was full of plutonium and other radioactive substances. Rene Vilette's remains—or what were thought to be his remains—were found three days later and sent to France in the form of a concrete block.

A typhoon hit Moruroa on the night of March 11–12, 1981. Fearing for their safety, civilian technicians leaked the news to the French press that the storm swept radioactive waste, including 10 to 20 kilograms of plutonium, off the north beach of the Atoll. According to the technicians, the plutonium had been spilled on the beach during security tests from 1966 to 1974, then cov-

ered in asphalt. The powerful winds peeled off the asphalt and flung the plutonium into the lagoon.

Mr. Ruta, who has worked in Moruroa since 1976, testified in 1987:

After each explosion, when the specialists and their counters had gone, we had to go round the island and clean up the dead fish and other rubbish off the beaches. It was usually two to three days after the explosion. Depending on which way the wind was blowing, the fish would be swept ashore at different places—several tons of dead fish at a time. Once, not very long after a test, three dead whales were swept ashore. They were very big, and we had to get cranes to move them away.

Finally, Mr. Speaker, the testimony of Mr. Tamatoa, who was interviewed on an airplane enroute to Papeete where his son was receiving medical treatment. Mr. Tamatoa said:

I don't want to give my name because I'm scared there might be repercussions. My son is eight. He is the jewel of my life. He is handicapped. Before the testing started, there were no handicapped children on my island of Mangareva. In the beginning, the nuclear tests brought money, but now all they bring is illness. I am a farmer. I've seen how the animals also seem to be sick now, and the banana trees no longer bear their usual crop. The bananas fall off before they ripen. I think they should stop testing—now!

Mr. Speaker, these are the voices borne out of desperation. The voices of those who do not have the means to protect themselves from a major power such as France. These are the voices of reason—but they are a cry in the dark, for no one seems to be listening.

Mr. Speaker, I will soon be proposing a resolution condemning these nuclear tests and I ask for support from my colleagues. I also ask the American people to support the efforts of those who are trying to stop the destructive and inhumane acts perpetuated by a powerful democratic country upon the defenseless people of French Polynesia.

Mr. Speaker, our own country's policy of conducting nuclear detonations under water, as well as in the atmosphere, during the 1950's and 1960's, should be noted with the fact that hundreds of Micronesian men, women, and children were unintentionally, but severely, subjected to nuclear contamination as a result of perhaps the most powerful hydrogen bomb explosion—commonly known as the Bravo test—that took place in 1954 in the Bikini Atoll. Mr. Speaker, I thank my good friend and colleague, Chairman SID YATES of the Interior Appropriations subcommittee for his sensitivity and keen interest to compensate the residents of Rougelap Island in Micronesia for the great harm that our nuclear testing program has imposed upon these innocent human beings.

Mr. Speaker, despite the fact that our country's efforts now are to continue nuclear testings under ground in the desert areas of Nevada, I wonder if we might not ask ourselves, our leaders, and our Nation—isn't the most log-

ical thing to do now is to call a moratorium to stop nuclear testings altogether?

Mr. Speaker, many countries throughout the world—and I believe our own country as well—have a spiritual perception of our planet, or fondly referred to as our "Mother Earth." Our planet is literally a mother to us all, because it provides life and sustenance to humanity, all forms of animal and plant life, and especially the entire global marine environment.

Mr. Speaker, I submit our country has taken the lead to limit the number of nuclear bombs in our military arsenal, and I commend President Bush for this initiative as he called upon the Soviet Union to do the same. But this is not enough, Mr. Speaker. Our country should also take the lead by calling for an international moratorium to stop nuclear testings altogether for 1 or 2 years, so that we could all reassess the implications of nuclear detonations throughout the world.

Mr. Speaker, I can fully appreciate French opposition to discontinue its own nuclear testing program, while our own country continues to explode nuclear devices in Nevada. The question that follows, Mr. Speaker—do we need to continue nuclear testings? If our country's method of nuclear testing is environmentally the safest around, why don't we share such a technology with members of the nuclear club?

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

□ 1740

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SNOWE) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes each day, on November 25, 26, and 27.

Mr. BLILEY, for 60 minutes, today.

Mr. RIGGS, for 60 minutes each day, on November 12, 13, and 14.

Mr. SOLOMON, for 5 minutes, today.

Mr. LIVINGSTON, for 60 minutes, today.

(The following Members (at the request of Mr. ROEMER) to revise and extend their remarks and include extraneous material:)

Mr. PEASE, for 5 minutes each day, today and on November 13, 14, and 15.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GEPHARDT, for 60 minutes each day, today and on November 13.

Mr. WOLPE, for 60 minutes each day, today and on November 13 and 14.

Mr. FALCOMAVEGA, for 60 minutes, today.

Mr. MCHUGH, for 5 minutes, on November 14.

Mr. CARDIN, for 5 minutes, on November 14.

(The following Member (at the request of Mr. MAZZOLI) to revise and extend his remarks and include extraneous material:)

Mr. MORAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. SNOWE) and to include extraneous matter:)

Mrs. ROUKEMA.

Mr. MACHTLEY.

Mr. FISH.

Mr. BEREUTER.

Mr. CUNNINGHAM in two instances.

Ms. ROS-LEHTINEN in 10 instances.

Mr. BROOMFIELD in two instances.

(The following Members (at the request of Mr. ROEMER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. TALLON.

Mr. RANGEL in two instances.

Mr. MRAZEK.

Mr. MAZZOLI.

Mr. TORRES.

Mr. McMILLEN of Maryland.

Mr. FOGLIETTA.

Mrs. COLLINS of Illinois.

Mr. KANJORSKI.

Mr. ACKERMAN.

Mr. JACOBS.

Mr. WOLPE in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 838. An act to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such act, and for other purposes; to the Committee on Education and Labor.

ENROLLED BILL SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3350. An act to extend the U.S. Commission on Civil Rights.

A BILL AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ROSE, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill and joint resolutions of the House of the following titles:

On November 8, 1991:

H.J. Res. 177. Joint resolution to designate November 16, 1991, as "Dutch-American Heritage Day";

H.J. Res. 140. Joint resolution designating November 19, 1991, as "National Philanthropy Day";

H.J. Res. 280. Joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week";

H.J. Res. 175. Joint resolution to designate the weeks beginning December 1, 1991, and November 29, 1992, as "National Home Care Week"; and

H.R. 2707. An act 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.

ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 45 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 13, 1991, at 11 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2109. A bill to direct the Secretary of the Interior to conduct a study of the feasibility of including Revere Beach, located in the city of Revere, MA, in the National Park System; with an amendment (Rept. 102-299). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2444. A bill to revise the boundaries of the George Washington Birthplace National Monument (Rept. 102-300). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLER of California: Committee on Interior and Insular Affairs. H.R. 2859. A bill to direct the Secretary of the Interior to conduct a study of the historical and cultural resources in the vicinity of the city of Lynn, MA, and make recommendations on the appropriate role of the Federal Government in preserving and interpreting such historical and cultural resources; with an amendment (Rept. 102-301). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 33. A bill to amend the Public Health Service Act to establish standards for the certification of laboratories engaged in urine drug testing, and for other purposes; with an amendment (Rept. 102-302). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Rules. H. Res. 275. Resolution providing for the consideration of the bill H.R. 2, a bill to entitle employees to family leave in certain cases involving a birth, an adoption, or a serious health condition and to temporary medical leave in certain cases involving a serious health condition, with adequate protection

of the employees' employment and benefit rights, and to establish a commission to study ways of providing salary replacement for employees who take any such leave (Rept. 102-303). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 3294. A bill to delay until April 1, 1992, the implementation of provisions relating to O and P nonimmigrants (Rept. 102-304). Referred to the Committee of the Whole House on the State of the Union.

Mr. FROST: Committee on Rules. House Resolution 277. Resolution providing for the consideration of H.R. 2094, a bill to require the least-cost resolution of insured depository institutions, to improve supervision and examinations, to provide additional resources to the Bank Insurance Fund, and for other purposes (Rept. 102-309). Referred to the House Calendar.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 3595. A bill to delay until September 30, 1992, the issuance of any regulations by the Secretary of Health and Human Services changing the treatment of voluntary contributions and provider-specific taxes by States as a source of a State's expenditures for which Federal financial participation is available under the Medicaid program and to maintain the treatment of intergovernmental transfers as such a source; with amendments (Rept. 102-310). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on the Judiciary. H.R. 458. A bill for the relief of Pilar Mejia Weiss; with an amendment (Rept. 102-305). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 635. A bill for the relief of Abby Cooke (Rept. 102-306). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. H.R. 1917. A bill for the relief of Michael Wu. (Rept. 102-307). Referred to the Committee of the Whole House.

Mr. BROOKS: Committee on the Judiciary. Report on S. 159. For the relief of Maria Erica Bartschi (Rept. 102-308). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McDERMOTT (for himself, Mrs. MINK, Mr. MINETA, Mr. MATSUI, Mr. ABERCROMBIE, Mr. WASHINGTON, Mr. FALEOMAVAEGA, Mr. EDWARDS of California, Ms. PELOSI, Mrs. UNSOELD, Mr. ATKINS, Mr. AU COIN, Mr. STARK, Mrs. SCHROEDER, Mr. TRAFICANT, Mr. BERMAN, Mr. STUDDS, Mr. SANDERS, Mr. TORRES, Mr. LEVINE of California, Mr. MILLER of California, Mr. DICKS, Ms. SLAUGHTER of New York, Mr. KOPETSKI, Mr. MOODY, Mr. SWIFT, Mr. WHEAT, Mr. TOWNS, and Mr. SYNAR):

H.R. 3748. A bill to amend the Civil Rights Act of 1991 with respect to the application of

such act; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. HERTEL (for himself, Mr. JONES of North Carolina, Mr. HUGHES, Mr. SAXTON, and Mr. PALLONE):

H.R. 3749. A bill to reauthorize title I of the Marine Protection Research, and Sanctuaries Act of 1972; to the Committee on Merchant Marine and Fisheries.

By Mr. GEJDENSON (for himself, Mr. GEPHARDT, Mr. BONIOR, Mr. DERRICK, Mrs. KENNELLY, Mr. LEWIS of Georgia, Mr. HOYER, Mr. FAZIO, Mr. ROSE, Mr. KLECZKA, Mr. PANETTA, Mr. SYNAR, Mr. ABERCROMBIE, Mr. ANDREWS of Maine, Mr. ATKINS, Mr. BACCHUS, Mrs. BOXER, Mr. CARDIN, Mr. CARPER, Mr. CONYERS, Mr. COYNE, Mr. COX of Illinois, Ms. DELAURO, Mr. DELLUMS, Mr. DIXON, Mr. DWYER of New Jersey, Mr. ECKART, Mr. EDWARDS of California, Mr. FASCELL, Mr. FEIGHAN, Mr. GLICKMAN, Mr. GUARINI, Mr. HAMILTON, Mr. HOAGLAND, Ms. HORN, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. KANJORSKI, Ms. KAPTUR, Mr. KOLTER, Mr. LEHMAN of Florida, Mr. MARKEY, Mr. MAZZOLI, Mr. McDERMOTT, Mr. MCHUGH, Mr. McMILLEN of Maryland, Mr. MILLER of California, Mr. MRAZEK, Ms. OAKAR, Mr. OLVER, Mr. OWENS of New York, Mr. OWENS of Utah, Ms. PELOSI, Mr. PENNY, Mr. RAHALL, Mr. RICHARDSON, Mr. SANDERS, Mr. SCHEUER, Mrs. SCHROEDER, Mr. SIKORSKI, Mr. STARK, Mr. STUDDS, Mr. SWIFT, Mr. VENTO, Mr. WEISS, and Mr. YATES):

H.R. 3750. A bill to amend the Federal Election Campaign Act of 1971 and related provisions of law to provide for a voluntary system of spending limits and benefits for House of Representatives election campaigns, and for other purposes; jointly, to the Committees on House Administration, Post Office and Civil Service, and Energy and Commerce.

By Mr. BOUCHER:

H.R. 3751. A bill to amend the Appalachian Regional Development Act of 1965 to include Montgomery County, VA, as part of the Appalachian region; to the Committee on Public Works and Transportation.

By Mr. GUARINI (for himself, Mr. VANDER JAGT, Mr. RANGEL, Mr. JACOBS, Mr. MOODY, Mr. JENKINS, Mr. FORD of Tennessee, Mr. MATSUI, Mr. SHAW, Mrs. KENNELLY, Mrs. JOHNSON of Connecticut, and Mr. ANTHONY):

H.R. 3752. A bill to amend the Internal Revenue Code of 1986 to extend for 1 year certain expiring tax provisions; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. BENNETT, Mr. IRELAND, Mr. GOSS, Mr. FASCELL, Ms. ROBLETTINEN, Mr. HUTTO, Mr. BILIRAKIS, Mr. GIBBONS, Mr. LEHMAN of Florida, Mr. SMITH of Florida, Mr. LEWIS of Florida, Mr. PETERSON of Florida, Mr. JOHNSTON of Florida, Mr. MCCOLLUM, Mr. JAMES, Mr. BACCHUS, Mr. HORTON, Mr. EVANS, Mr. NOWAK, and Mr. LAGOMARSINO):

H.R. 3753. A bill to include Melaleuca quinquenervia as a noxious weed for purposes of the Federal Noxious Weed Act of 1974 and to require the Secretary of Agriculture to consider several other invasive plants growing in the State of Florida for identification under that act as noxious weeds; to the Committee on Agriculture.

By Mr. SISISKY:

H.R. 3754. A bill to extend the time for submission of the final statement of community development block grant activities by Petersburg, VA; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WISE:

H.R. 3755. A bill to provide a program of emergency unemployment compensation, and for other purposes; jointly, to the Committees on Ways and Means, Energy and Commerce, Government Operations, and Foreign Affairs.

By Mr. WHITTEN:

H.J. Res. 374. Joint resolution making further continuing appropriations for the fiscal year 1992, and for other purposes; considered and agreed to.

By Mr. RUSSO (for himself, Mr. SARPALIUS, Mr. KOLTER, Mr. ANNUNZIO, Mr. SERRANO, Mr. RITTER, Mr. DURBIN, Mr. ECKART, Ms. LONG, Mr. HYDE, Mr. NEAL of Massachusetts, Mr. COYNE, Mr. DWYER of New Jersey, Mr. VANDER JAGT, Mr. RICHARDSON, Mr. KLUG, and Mr. McGRATH):

H. Con. Res. 239. Concurrent resolution congratulating the people of Lithuania for their successful peaceful revolution and their continuing commitment to the ideals of democracy; to the Committee on Foreign Affairs.

By Mr. MICHEL:

H. Res. 274. Resolution electing Representative Allen to the Committees on the Judiciary, Small Business, and Science, Space, and Technology; considered and agreed to.

By Mr. ROBERTS (for himself, Mr. MICHEL, Mr. GINGRICH, Mr. BOEHNER, Mr. EDWARDS of Oklahoma, Mr. LIVINGSTON, Mrs. VUCANOVICH, and Mr. WALKER):

H. Res. 276. Resolution prohibiting the use of appropriated funds for acquisition of voter registration lists for the House of Representatives; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. MFUME and Mr. STEARNS.
H.R. 127: Mr. MOLLOHAN, Mr. SENSENBRENNER, and Mr. OBERSTAR.
H.R. 187: Mr. WISE, Mr. DINGELL, Mr. CONYERS, and Mr. EVANS.
H.R. 191: Mr. DWYER of New Jersey and Mr. ROE.
H.R. 299: Mr. MCCANDLESS.
H.R. 330: Mr. ANDREWS of Maine.
H.R. 413: Ms. MOLINARI, Mr. CHAPMAN, and Mr. McCREERY.
H.R. 565: Mr. WELDON.
H.R. 608: Mr. REED, Mr. SKELTON, and Ms. NORTON.
H.R. 786: Mr. STAGGERS.
H.R. 886: Mr. JOHNSON of South Dakota.
H.R. 962: Mr. HUNTER.
H.R. 1106: Mr. DOOLITTLE.
H.R. 1304: Mr. DOWNEY and Mr. ROE.
H.R. 1664: Mr. TORRES.
H.R. 1733: Mr. RHODES.
H.R. 1820: Mr. ANDREWS of Maine.
H.R. 2185: Mrs. LLOYD.
H.R. 2327: Mr. GILLMOR, Mr. MORAN, Mr. HAMMERSCHMIDT, Mr. HAYES of Louisiana, Mr. GOODLING, Mr. CONYERS, Mr. KOPETSKI, and Mr. QUILLLEN.
H.R. 2363: Mr. GUARINI, Mr. BOUCHER, Mr. NEAL of Massachusetts, Mr. VISLOSKY, Mr. WOLF, Mr. BRYANT, Mr. KOLTER, Mr. ROE, and Mr. ERDREICH.

H.R. 2385: Mr. TRAXLER and Mr. VANDER JAGT.

H.R. 2493: Mr. LUKEN.

H.R. 2501: Mr. BERMAN and Mr. STARK.

H.R. 2579: Mr. BOUCHER.

H.R. 2643: Mr. HUNTER.

H.R. 2763: Mrs. LLOYD and Mr. FASCELL.

H.R. 2766: Mr. TAYLOR of North Carolina and Mr. RIGGS.

H.R. 2819: Mr. TOWNS, Mr. CAMPBELL of Colorado, Mr. PETERSON of Minnesota, Mr. DEFazio, Mr. DORGAN of North Dakota, Mr. JOHNSON of South Dakota, Mr. NAGLE, Mr. HAYES of Illinois, Mr. OLVER, Mr. SIKORSKI, Mr. MILLER of California, and Mr. HUCKABY.

H.R. 2866: Mr. YATES, Mr. OWENS of New York, Mr. BEILSON, Mr. HUGHES, Mr. SPRATT, Mr. DELLUMS, Mr. STALLINGS, Mr. MARTINEZ, and Mr. LANCASTER.

H.R. 2880: Mr. GAYDOS, Mr. HAYES of Illinois, Mr. JONES of Georgia, Mr. ABERCROMBIE, and Mr. WEISS.

H.R. 2915: Mr. RAMSTAD and Mr. CUNNINGHAM.

H.R. 3146: Mr. BAKER and Mr. PETRI.

H.R. 3209: Mr. MOODY and Mr. ANDREWS of Maine.

H.R. 3299: Mr. ABERCROMBIE, Mr. FEIGHAN, Mr. McGRATH, Mr. MRAZEK, Ms. SLAUGHTER of New York, and Mr. TRAFICANT.

H.R. 3373: Mr. BILBRAY, Mr. BATEMAN, Mr. TAYLOR of North Carolina, Mrs. PATTERSON, Mr. STEARNS, Mr. CHAPMAN, Mr. GILLMOR, and Mr. SUNDRIST.

H.R. 3407: Mr. ATKINS.

H.R. 3423: Mr. BILBRAY, Mr. EDWARDS of California, Ms. NORTON, Ms. KAPTUR, and Mr. DWYER of New Jersey.

H.R. 3424: Mr. BILBRAY, Mr. EDWARDS of California, Ms. NORTON, Ms. KAPTUR, and Mr. DWYER of New Jersey.

H.R. 3463: Ms. MOLINARI.

H.R. 3553: Mr. POSHARD, Mr. MARKEY, Mr. KOPETSKI, and Mr. DINGELL.

H.R. 3595: Mr. MOODY, Mr. DOOLEY, Mr. SOLARZ, Mr. SLATTERY, Mr. GILLMOR, Mr. RAMSTAD, and Mr. BERMAN.

H.R. 3633: Mrs. MINK, Mr. BERMAN, Mr. FRANK of Massachusetts, Mr. BEILSON, Mr. NEAL of Massachusetts, Mrs. KENNELLY, and Mr. EVANS.

H.J. Res. 287: Mr. ORTON.

H.J. Res. 343: Mr. BLAZ, Mr. BOEHLERT, Mr. BREWSTER, Mr. CALLAHAN, Mr. COX of Illinois, Mr. EVANS, Mr. FISH, Mr. GEJDENSON, Mr. GOODLING, Mr. HAMILTON, Mr. HOCHBRUECKNER, Mr. JOHNSON of South Dakota, Mr. JOHNSTON of Florida, Mr. JONES of North Carolina, Mr. KLUG, Mr. KOSTMAYER, Mr. LEHMAN of Florida, Mr. MAVROULES, Mr. MILLER of California, Mr. MONTGOMERY, Mrs. PATTERSON, Mr. SISISKY, Mr. SOLOMON, Mr. STENHOLM, and Mr. VALENTINE.

H.J. Res. 354: Mr. DE LUGO, Ms. PELOSI, Mr. JEFFERSON, Mrs. VUCANOVICH, Mr. RAMSTAD, Mr. FASCELL, Mr. VENTO, and Mrs. JOHNSON of Connecticut.

H. Con. Res. 211: Mr. GREEN of New York, Mr. CONYERS, Mr. TORRICELLI, and Mr. BORSKI.

H. Con. Res. 212: Mr. NOWAK, Mr. PALLONE, Mr. GREEN of New York, Mr. RINALDO, and Mr. McNULTY.

H. Con. Res. 224: Mr. RHODES, Mr. LANTOS, and Mr. BRYANT.

H. Con. Res. 231: Mr. RAHALL.

H. Res. 257: Mr. GILLMOR and Mr. MCCANDLESS.

EXTENSIONS OF REMARKS

TRIBUTE TO WILLIAM H. GRAY III

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to the many years of distinguished service of Mr. William H. Gray III. Mr. Gray spent 12 years as a Member of the House of Representatives. In that time, he made an invaluable contribution to our body. At the time of his departure, last September, Mr. Gray was the majority whip of the House of Representatives.

Mr. Gray has always been deeply interested in issues concerning education. Last month, he became the president of the United Negro College Fund, a position which will enable him to continue working to improve educational opportunities for college students, particularly African-Americans. In addition, Mr. Gray will continue to serve as pastor of the Bright Hope Baptist Church in Philadelphia.

We wish him luck and pledge our continued support to him in the future.

An article from the New York Times, October 9, 1991, follows:

PREACHER AND EX-HOUSE WHIP ENJOYS NEW PULPIT

(By Anthony DePalma)

Since he formally took over as president of the United Negro College Fund last month, William H. Gray 3d, the former majority whip of the House of Representatives and the highest-ranking elected black official in the country, has made it clear that he intends to raise issues about education along with raising money for historically black colleges.

While his predecessors were careful to stay above the political fray for fear of offending donors, Mr. Gray has waded right in criticizing current educational policies and suggesting remedies. At a national education conference in Atlanta this week he accused the Bush Administration of applying a double standard to historically black colleges. He has met with dozens of corporate leaders and foundation heads, challenging them to do more to improve the nation's educational system.

"Whether I'm talking to somebody on welfare or talking to the C.E.O. of a major corporation, people are concerned that they're hearing a lot about education but they're seeing very little action," Mr. Gray said. "It's as if people believe we can have major educational change without committing any major resources. There's tremendous frustration building up."

For Mr. Gray, the United Negro College Fund is more than a respected, 47-year-old organization that raises money for black colleges and universities. It is a pulpit from which to fire debate about the enormous consequences of educating the young, especially those from minorities who, by the year 2000, will make up one-third of the work force in the United States.

PREACHING AND PRODDING

Speaking from the pulpit comes naturally for Mr. Gray, who has been pastor of the Bright Hope Baptist Church in Philadelphia since 1972. He intends to continue serving as pastor, the same position filled by his father and, before that, his grandfather, and prodding what he sees as a sometimes reluctant America to return to higher ideals.

"Nobody likes ideals better than this preacher," Mr. Gray said in an interview in his office. "I look forward to the day when the lion and the lamb will lie together. But until that day comes, we as a society better try to do something to make sure that we've got lions and lambs left."

Mr. Gray's career move still puzzles many people. Now 49 years old, he was the third most powerful member of the House, and was in line to become Speaker. His decision to forfeit that power prompted speculation that he was leaving to make more money or that he was the target of a Justice Department investigation.

He vigorously denied such speculation. His salary at the fund is \$175,000, a healthy increase over the \$130,000 he earned as majority whip but substantially less than the \$300,000 to \$500,000 his new salary was said to be in some news accounts. He also will be free to join corporate boards, which would add to his income.

Mr. Gray said there was nothing behind his move except a desire to help young people, especially the 50,000 minority students enrolled in black colleges.

"My concept of power is different from other people's," he said. "I come from a background of ministry and education in which power is the ability to impact on people's lives."

Education has been the Gray family business. Mr. Gray's father was president at two historically black colleges, and his mother was dean of students at another. He said that, to him, running the United Negro College Fund was more important than serving in a Congress that, in his eyes, has been enfeebled by spending cuts and conservative social views.

"With the changing scene in America," he said, "education might be the only equalizer for the disadvantaged."

Mr. Gray's biggest and most immediate challenge will be completing the drive to raise \$250 million in capital funds. Walter H. Annenberg, the former publisher and Ambassador to Britain, has pledged \$50 million if the organization can raise \$200 million more before the end of next year.

CONFIDENCE AND VIGOR

Doing so will mean raising \$8 million a month between now and December 1992, a daunting task, but one that Mr. Gray expects to complete.

The presidents of the historically black colleges, who met with Mr. Gray recently, share his confidence. "We were excited by the manner in which he is actively jumping into the fray," said Robert L. Albright, president of Johnson C. Smith University in Charlotte, N.C.

While raising money is taking up half his time, Mr. Gray continues to speak out on education issues. His 12 years in Congress

and his ministerial background amplify his voice in a way that makes him difficult to ignore.

"He brings a lot of clout," said Ed Wiley 3d, assistant managing editor of Black Issues in Higher Education, a journal published in Washington. "Everybody is going to expect Bill Gray to be the one who comes right out there and says, 'This is what the implications are going to be on this thing.'"

Mr. Gray is not shy about offering opinions. At several public conferences he criticized officials in the Bush Administration for pressing a Justice Department case opposing separate money for black public colleges in the South. But he also noted that President Bush has supported the United Negro College Fund since 1948.

Some think Mr. Gray's switch from a position of power in Congress to one of limited power in a not-for-profit organization may present some difficulties for him.

"He commanded unusual respect as a Congressman, and now he is in a situation where he in effect works for the presidents of the colleges," said Dr. Albright of Johnson C. Smith University.

But others think the job Mr. Gray has now suits him well.

"He is a very religious man," said Donald M. Stewart, president of the College Board and former president of Spelman College in Atlanta. "He'll continue his role as pastor of the Bright Hope Baptist Church in Philadelphia, and he'll use that pulpit and the U.N.C.F. pulpit as places to speak out on the same issues of social justice and equal opportunity that he raised before in Congress."

IS THE OCTOBER SURPRISE INVESTIGATION LEGITIMATE?

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. BEREUTER. Mr. Speaker, the House in considering the creation of a task force to investigate the so-called October surprise should consider the following editorial from the November 8, 1991, edition of the Omaha World-Herald which in turn cites recent articles in Newsweek and the New Republic which refute the allegations of improper conduct by the 1980 Reagan for President campaign. My colleagues are urged to read this editorial and the November 11, 1991, and November 18, 1991, editions, respectively, of the two magazines mentioned above:

CONGRESS GETS A WAY OUT; CRAZY RUMOR SHOT DOWN

Congressional leaders should be thankful. They have been handed an opportunity to avoid looking silly. Two national magazines have shot down a crazy rumor that Congress has been preparing to investigate.

Unfortunately, there's no guarantee that the leadership will have the good sense to call off the investigation.

The crazy rumor has to do with what some people call the October surprise. The allega-

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

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

tion is that emissaries of the Reagan presidential campaign in 1980 conspired with Iran to keep American hostages in captivity. The alleged purpose was to hurt Jimmy Carter's re-election chances by keeping the embassy hostage crisis going until after the election.

Newsweek and The New Republic investigated the rumor. Their findings leave little to be done by congressional investigators.

Newsweek said: "Newsweek has found, after a long investigation, including interviews with government officials and other knowledgeable sources around the world, that the key claims of the purported eye-witnesses and accusers simply do not hold up. What the evidence does show is the murky history of a conspiracy theory run wild."

The New Republic said: "The conspiracy as currently postulated is a total fabrication. None of the evidence cited to support the October surprise stands up to scrutiny. The keys sources on whose word the story rests are documented frauds and impostors . . . they have concocted allegations that are demonstrably false, and their stories, full of internal inconsistencies, are also contradictory."

Secret Service logs and campaign schedules show indisputably that George Bush did not attend secret 1980 meetings in Paris, as former Iranian President Abolhassan Bani-Sadr once alleged. Evidence of such meetings is lacking. Bani-Sadr has distanced himself from his earlier stories.

Further evidence shows that William Casey, the Reagan campaign manager who later became CIA director, could not have been in Madrid when he would have had to have been there if the October surprise story were true.

One man who identified himself as a go-between was discredited when someone looked at the man's credit cards and diaries and determined that he could not have seen what he claimed to have seen. Senate investigators said that "nothing he said was the truth—he had made it up based on what he had read in the newspaper and what he was told."

Nonetheless, the man became one of the sources of Gary Sick, a former Carter administration official whose article in The New York Times this year revived the interest of conspiracy theorists, some members of the press and some members of Congress.

Another self-described witness failed a lie-detector test. Still another was convicted of perjury. And a number of others told stories that collapsed when seriously questioned.

"By any measure of honest reporting, the October surprise conspiracy should have died long ago," The New Republic writers said.

One of the more disturbing revelations came in the Newsweek story. The magazine, in trying to trace the rumors back to their origins, encountered the tracks of political extremist Lyndon LaRouche.

The LaRouche organization, which uses bizarre conspiracy theories to frighten gullible people and solicit funds, published a story in 1980 alleging that Henry Kissinger had tried to make a secret deal with Iran. The LaRouche people gave the story, without the Kissinger angle, another push in 1983 when almost no one else was talking about an October surprise.

Eventually the rumors worked their way into other publications, and the likes of Bani-Sadr and others began to tell ever more fanciful stories.

Some people, regrettably, are so gullible or mean-spirited that they will swallow any allegation about a public figure, no matter

how cruel or improbable. The fact that such people exist places a greater duty on responsible public officials and journalists to stand up for what is true and right. Newsweek and The New Republic have done so, to their credit. The next step is up to Congress.

SALVADOR DIAZ-VERSON, JR.: TURNING HIS "CASTLES IN THE AIR" INTO REALITY

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize, Salvador Diaz-Verson, Jr., who recently was featured in the Columbus, GA, Ledger-Enquirer after his resignation as president of one of America's fastest growing insurance companies, the American Family Corp., to begin his own global financial and investment firm. The article, "Diaz-Verson Is Following His Dreams" by Delane Chappell tells his story:

Salvador Diaz-Verson Jr. is following his dreams, turning his "castles in the air" into reality, much the way the late John Amos, his mentor and brother-in-law, did when he founded American Family Corp. in 1955.

"I've had those dreams up there—as John used to say, 'those castles in the air.' Now, I've got to put something together and go with it," he said.

That's one of the reasons Cuban-born Diaz-Verson gives for resigning his posts Aug. 16 as American Family Corp. president and first executive vice president of American Family Life Assurance Co.

Now his "castle" is to develop a global financial and investment firm of his own.

The resignation ended a 17-year career with Columbus-based American Family, a career that spanned a period of the company's most rapid growth, when invested assets rose from \$45 million to \$6.5 billion and the company became the first American insurance company granted a license to operate in the Japanese market since World War II.

Not a bad track record for a man who fled from the Fidel Castro regime in Cuba with his family in 1959, an eight-year-old with only the clothes on his back.

Despite his success at American Family, Diaz-Verson said it was time to move on, a decision he thinks John Amos would have approved. "John always told me, 'When you stop having fun, then it's time to leave,'" Diaz-Verson said. "I think he'd say, 'When you stop having fun, Sal, then go do something else.'"

The fun had ended for Diaz-Verson.

"My true loves are investments and politics. I was getting further and further away from investments and more and more involved in the administrative and political sides of the business," he said. "I don't think it was my decision. I think it just evolved. A problem comes in and you just handle it."

"Somebody said 'life is not a matter of chance, but choice.' I had a choice. I couldn't just sit here and wait forever. There are two things I really love and I couldn't do them while I still had the office (because of conflicts of interests.)"

Diaz-Verson said rumors that a rift between him and American Family Chief Executive Officer Dan Amos contributed to his leaving are not true. "Dan and I have a very close relationship. We've had what I think

was a good relationship all along—and we still do."

Dan Amos, nephew of John Amos and son of American Family Chairman Paul Amos, is godfather to Diaz-Verson's 4-year-old daughter, Elizabeth.

"I told Danny, 'There are very few people I really trust in this world. I'd like for you to be her godfather.'"

Dan Amos, who said the company will miss Diaz-Verson, describes the relationship as good. "If we weren't getting along, I don't think he'd still be across the hall. If it's a hostile environment, you don't stick around."

Diaz-Verson will remain on the board of directors of American Family Corp. and AFLAC, and has signed an agreement to be a consultant for American Family for three years.

American Family also offered him an office at the company as long as he needed it, Diaz-Verson said.

Both Diaz-Verson and Dan Amos say they are aware of a community perception that there has been rivalry and friction between them. Both deny it.

"Danny and I have always gotten along," Diaz-Verson said. "We both have our own fortes. We've got different styles of management. That's what's made it interesting through the years."

John Amos never wanted a wedge placed between the two men, Diaz-Verson said. "John always said 'Sal, you and Danny stay together and make sure nobody gets in between you. You can't allow anybody to do that.' That's a promise we made to each other and we've never let anybody come between us," Diaz-Verson said.

Another reason he wants to leave is that the company is not the same without John Amos, Diaz-Verson said. "It's really been a change without John. He kept the fun in it. You never knew what he was going to do or what kind of trick he was going to play on you. And you could sit down and talk to him about anything."

"I've grown up with him. I traveled with him. John took me on every business trip. Most of the politicians I know, I met through John. He'd tell them, 'If you can't find me, call Sal.' I really miss that," Diaz-Verson said.

While Amos may have considered Diaz-Verson his right-hand man, it was Dan Amos who was handpicked by John Amos before his death to run the company after he was gone. Diaz-Verson said he was not upset when he was not chosen. "We had discussed it. We had talked about the fact that you can't run the company as a committee. Even though Dan and I were both together at the same level, sooner or later somebody had to be the one that made the final decisions."

"John said I would be the financial person and I would be the chief financial officer of all non-insurance operations. I felt very comfortable with that in that I liked the financial side and I enjoyed the non-insurance side," he said.

Family responsibilities also helped him make the decision to leave American Family. "I've been here almost 18 years. I've gotten up every morning at 5:30 to be here before the London market opened. I've never gotten my kids off to school or taken them to school. I haven't been home on Father's Day for the last three years because I've been in Japan on business," he said.

The hardest part of his decision to leave American Family was deciding when to do it, he said.

"I think it's better to leave when you're on top—and we are. We've got one of the best

portfolios in the industry and I've built it. It's the cleanest portfolio of any insurance company in the United States. The company is doing well. It was a good time."

As Diaz-Verson's reputation as a financial whiz has grown, other companies have tried to steal him away from American Family, but he wouldn't leave. "If I had to work for anyone, I'd stay with American Family," he said, without hesitation.

But, the dream of his own investment firm prevailed, he said.

Already his attorneys are incorporating his new business, Diaz-Verson Capital Investments (DVC), and he's closing a deal for 3,000-square-foot of office space in Brookstone Centre in Columbus that is expected to open in two to three weeks.

The business will make international investments for individuals and institutions and will probably launch one or two investment funds of its own, he said.

After he gets DVC in gear, Diaz-Verson hopes to form an investment network with some associates in New York and Washington, D.C. He'll also continue as financial adviser to the John Amos estate.

Diaz-Verson admits that he's a little nervous about starting up a new company. But he said he's experienced in international investing. He's done it for the company.

"I think I'm good. I think I can do well in the investment field. It's something you've really got to have a feel for and I think I've been able to do it well. I'm very sure of myself and what I can do," he said.

"I think there will be tremendous growth in the next 10 years in the emerging markets, especially in . . . Spain, Portugal and Italy, and in the Americas. With my Hispanic roots I think I could do very well in the Americas," he said.

Diaz-Verson said he is looking for a re-emergence of the Americas as the world refocuses in 1992, and he's planning to be there to welcome them back, maybe with the development of an Americas Fund, he said.

So, fired by enthusiasm and the realization that he's recognized professionally as something of a financial genius, Diaz-Verson sets off at age 39 to put substance in his "castle in the air."

I am happy to pay tribute to Mr. Diaz-Verson by reprinting this article. Mr. Diaz-Verson's story is typical of the many successful immigrants who have helped make America what it is today.

TRIBUTE TO ALBERT H. SALEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mrs. ROUKEMA. Mr. Speaker, I rise today to pay tribute to Albert H. Saley, a gentleman dedicated to promoting quality education through the school library. Al Saley died of cancer in 1990 and left behind a lifetime of extraordinary accomplishments which may never be surpassed.

Throughout his years at the Mountain Lakes School District and the Manville Public Library in New Jersey, Al Saley touched many lives. He enabled the school library to become a friend of the student. The true testimony of Al's effectiveness, was demonstrated with the enthusiasm of young people, attracted to the library during their free time. Al was always

available to address their questions and guide the students in locating information. Al always stressed that a library is for learning, not just for quiet studytime. For 26 years, Al brought enthusiasm and the desire to learn and access information to the school library.

Al Saley was an educational leader on the local, State, national and international level. He served on the standards committee of the American Library Association, held a committee post in the Association for Educational Communications and Technology, and was a prominent figure in the American Association of School Librarians. In addition, he served on the New Jersey Library Network Review Board, the New Jersey Library Association and the Educational Media Association of New Jersey. Of the many awards Al received, the 1989 New Jersey State Library Leadership Award truly honored his " * * * dedication to the highest standards of librarianship, for an exuberance for the profession, for his determination to keep current with new technologies, and for his willingness to be a risk taker * * *".

Al served on many more committees, associations and boards, but most notably in my minds was his service to the Society of School Librarians International [SSLI]. As a founding member and former president of SSLI, Al traveled to Washington many times to meet with Members of Congress to assist in enabling Congress to understand the need to stay ahead of the information curve. As we hurtle headlong toward the global information age, we must continue to utilize our most valuable source of knowledge and training—the school library. I am proud to have had the opportunity to work and learn from Al Saley.

Mr. Speaker, Al Saley cared enough to dedicate his life to promoting school libraries and help others gather knowledge and information. With new technologies and the demand for instant information, Al was always there to ensure our young people had access to an ever expanding information age. Al noted many times that without proper skills, our young people could become information poor. I join the many friends and colleagues of Al Saley in mourning his loss and continuing his dreams for a better school library where everyone can continue to learn. Al will be missed but his work will never be forgotten. I ask my colleagues to join me in remembering Albert H. Saley; a man who represents the very best of our educators.

HOUSE OF REPRESENTATIVES SPENDING LIMIT AND ELECTION REFORM ACT OF 1991

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. GEJDENSON. Mr. Speaker, campaigns should be a clash of ideas, not bank accounts. Elections are not supposed to be a participatory process for only the wealthy and privileged; they are the cornerstone of this democracy, in which every citizen should not only participate, but should be eager to do so.

How do we return to a feeling of meaningful participation by every citizen, including the de-

moralized, the disadvantaged, the poor, and the middle class? In addition, how do we demonstrate to all Americans that the Members of this institution do care. One giant step we can take immediately is to reform our campaign finance laws which place entirely too much emphasis on the finance and too little on the campaign.

The most important and long-lasting campaign finance reform we can make is the reduction of campaign expenditures. Ever since the Supreme Court, in Buckley versus Valeo, singlehandedly destroyed the carefully crafted and balanced reform system designed in the wake of the Watergate scandal, we have been trying to fix the damage and pass campaign finance reform. Others have contributed much thought, energy and effort to this task over the years, and they did so again this year. The road has been long, just in the last 10 months alone.

Last February, the Speaker appointed a task force of eight members of the House Administration Committee to report a comprehensive election-financing proposal to the House. I want to thank my colleagues on the task force for all of the hard work they have put in over the last year. We jumped right into this effort in March by holding two field hearings: one in Minnesota and one in Wisconsin. Those two States have probably the most progressive campaign finance statutes in the country. They have had for over 15 years what we are just trying to do now at the Federal level. We learned a lot in those two States, but primarily what we learned is that reform has worked and worked well, except for the increased activity of independent expenditures. This is one area where today's proposal makes striking improvements on curbing the influence of independent expenditures.

In addition to our field hearings, we held seven other hearings here in Washington. We invited all Members to come and share any concerns, comments or opinions. Who better to guide us than those who are truly the experts in campaigns, and anyone who has been successful in a campaign even once, surely qualifies as an expert. We heard from 51 Members. Their testimony was invaluable. We listened, and we studied. Next we heard from those outside groups with an interest in this area. Organizations and individuals from all vantage points came and testified, and we learned from each one of them.

After our study, it came time to craft the legislation. As chairman of the task force, I proposed that a bipartisan core bill be negotiated, with the differences to be voted on in the committee and on the floor. This invitation was declined. Instead, the minority intends to offer an advantage package.

The objectives underlying the House of Representatives Campaign Spending Limit and Election Reform Act of 1991 are threefold: First, cap the ever escalating costs of campaigns; second, protect the ability of all individuals, and of modest means, to participate in competitive Federal campaigns; and third, reduce the amount of time and energy spent in soliciting campaign funds.

The first and by far the most important aspect of this bill is that it controls campaign costs. The legislation establishes a voluntary

spending limit of \$600,000 for every 2 years or election cycle. A candidate may spend as much as he or she wants in primary, but not more than \$500,000 in general election. Candidates who win contested primaries by a margin of 10 percent or less may spend an additional \$150,000 on the general election. Candidates who have a runoff may spend an additional \$100,000.

These numbers are the product of our detailed analysis of House races for the past 10 years. In 1990, \$600,000 is about the average spent by winners in open seat closely contested races. Additionally, \$600,000 would have covered about 80 percent of all races in the 1990 election cycle. No meaningful campaign finance reform can accommodate \$1 million races, and those races will always be outside any system designed to control spending. However, we do protect candidates who voluntarily enter the system, whose opponents do not: if the opponent raises \$250,000, the \$600,000 limit comes off for the candidate in the system, and that participant may receive unlimited matching funds, to make up for the money his or her opponent has raised.

Second, this bill creates a balance in candidate contribution pools. All candidates may raise up to one-third of the overall limit, or \$200,000, in PAC contributions and another one-third or \$200,000 in large individual contributions, which are those from \$200 to \$1,000. This parity between PAC's and large donors is absolutely essential. By limiting only PAC's, the system would become skewed toward the wealthy individual donors. By limiting both, we are saying that no one type of contribution is better or worse than another; it is the imbalance of PAC contributions and the imbalance of large donors that we are eliminating.

Third, this legislation reduces the time spent raising money. A candidate may voluntarily apply for up to \$200,000 in matching funds and receive discounted postage. The first \$200 of individual contributions are matched. Thus, every \$400 contribution from a husband and wife means \$800 in receipts to a candidate. In addition, the entire surplus leftover at the end of election cycle may be transferred to next cycle. We are not here to increase the time that officeholders must devote to chasing money. We are here to reduce that drain on energy. Too many talented individuals either decline to run in the first place, or call it quits in the middle of distinguished careers, directly due to the distasteful and inordinate time which must be spent chasing money for the next election.

Fourth, even though this package provides matching funds, it does not throw money at nonviable candidates. A candidate must have raised \$60,000 in individual contributions to be eligible for matching funds. Only the first \$200 of a contribution is matched. Real challengers will be able to qualify for matching funds, but fringe challengers, without a proven fundraising base, will be unable to qualify.

The matching funds are not funded through tax increases, increasing the deficit, or taking money from other programs. Funding must be from three sources to be disbursed from the "Make Democracy Work Fund." First, reducing tax deductibility of business lobbying expenses; second, establishing PAC registration

fees; or third, allowing voluntary contributions from individuals and organizations. Because the bill has been drafted in compliance with the pay-as-you-go provisions of the Deficit Control Act, the provisions limiting the tax deductibility of business lobbying expenses, establishing a FEC registration fee on political committees, and allowing voluntary contributions from individuals or organizations must be enacted by January 1, 1993, to fully offset the net costs of the legislation.

The major source of revenue is the proposed limitation on the tax deductibility of business lobbying expenses. This proposal is a sense-of-the-Senate amendment proposed by Senator BOREN during the Senate's consideration of S. 3, the Senate Election Ethics Act. The amendment was adopted by the Senate by a 50-to-44 vote on May 16, 1991. The Joint Committee on Taxation has estimated that this proposal would raise Federal budget receipts by \$500 million over 5 years. That is more than triple the amount necessary to fund matching payments during the next 5 years.

Fifth, this bill cracks down on independent expenditures. If we want to squeeze money out of the system, we must be sure that there will be no unintended consequences, including an increase in pervasive independent expenditures. Although such expenditures receive strict constitutional protection, we can assist candidates who are faced with them, in effectively combating them. A participating candidate faced with \$60,000 independent expenditures has his or her overall spending limit lifted. A candidate faced with \$10,000 in independent expenditures may receive matching funds to combat them. New reporting requirements require that anyone making independent expenditure of at least \$5,000 must immediately notify FEC, and anyone intending to make independent expenditures just before an election, must notify FEC at least 20 days before the election. The FEC must then notify the other candidates involved.

Finally, the legislation tackles the issues of bundling and soft money. Bundling is prohibited except by commercial fundraisers, individuals holding house parties, and individuals representing the candidate's campaign committee. Soft money spending by State parties for generic political activity on behalf of Federal candidates is capped by a State-by-State population formula. During Presidential election years, at least 50 percent of the amount spent by State parties must come from federally raised dollars.

This is the essence of my campaign finance reform proposal. Some critics would observe that the system is not broken, so why embark on this long, arduous and difficult task of repairing something that does not need fixing. Low voter participation, low voter turnout, and low voter esteem of the Congress are all clear and unmistakable symptoms of an ailing campaign finance system.

To be meaningful, campaign reform must not turn back the clock. This proposal ensures that the interests of average Americans are represented in the Congress.

To be meaningful, campaign reform cannot set off a domino effect of unintended consequences. This proposal limits the capability to intentionally abuse the electoral process for opportunistic advantage.

To be meaningful, campaign reform must refocus the political debate on policy differences and issues of substance. This proposal is one step in addressing voter disillusionment—to reconnect the relationship of voting to outcome.

No action that this institution might take could be more important or more critical to the health of the electoral process, the reputation of this institution, and the confidence of the American public, than the passage of this legislation. This legislation will deliver a message that is long overdue, that this institution is serious about campaign finance reform. I urge your full support for this bill.

SECTION-BY-SECTION ANALYSIS OF THE HOUSE OF REPRESENTATIVES CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1991

Section 1—This Act may be cited as the House of Representatives Campaign Spending Limit and Election Reform Act of 1991.

TITLE I—EXPENDITURE LIMITATIONS, CONTRIBUTION LIMITATIONS AND MATCHING FUNDS FOR ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES

Expenditure Limitations

Sec. 101—Amends the Federal Election Campaign Act of 1971 to add the following new title:

"TITLE V—EXPENDITURE LIMITATIONS, CONTRIBUTION LIMITATIONS AND MATCHING FUNDS FOR ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES"

"Expenditure Limitations"

"Section 501(a)" limits an eligible House candidate from spending more than \$600,000 per election cycle, of which not more than \$500,000 may be spent in the general election period.

"Section 501(b)" permits an eligible candidate with a runoff election to spend an additional \$100,000. This subsection also limits an eligible House candidate in a special election to spending no more than \$500,000 in the special election.

"Section 501(c)" permits an eligible candidate who wins a contested primary by a margin of 10 percent or less to make additional expenditures in the general election period of not more than \$150,000, subject to the \$500,000 general election limit.

"Section 501(d)" removes the limits placed upon an eligible House candidate by "section 501(a)" and "section 501(b)," if that candidate has an opponent who is not an eligible candidate and the opponent receives contributions or makes expenditures in excess of \$250,000 in that election cycle. The eligible candidate may receive all benefits under this title and may receive matching funds without regard to the \$200,000 ceiling under "section 504." Candidates who are not eligible must report to the Federal Election Commission within 48 hours of receiving contributions or making expenditures in excess of \$250,000, and the FEC must transmit a copy of that report to all other eligible candidates in that election within 48 hours.

"Section 501(e)" removes the limit placed upon an eligible candidate by subsection (a), if independent expenditures totaling \$60,000 are made in the election in favor of another candidate or against the eligible candidate.

"Section 501(f)" excludes payments for legal and accounting compliance costs and federal and state taxes from the limits of this section.

"Section 501(g)" provides for civil penalties for exceeding the limits of this section. If an eligible candidate exceeds a limitation under this section by 5 percent or less,

the excess shall be paid into the Make Democracy Work Fund. If the excess exceeds a limitation by an amount between 5 and 10 percent, an amount equal to three times the limit shall be paid into the Fund. If the excess exceeds a limitation by more than 10 percent, the eligible candidate must return all matching funds received, and pay an amount equal to three times the excess plus an amount to be determined by the FEC.

"Section 501(h)" provides for indexing by the rate of inflation.

"Statement of Participation"

"Section 502" requires that the FEC determine whether a candidate is eligible to receive benefits under this title, based on an initial statement of participation filed by the candidate. The statement must be filed on January 31 of election or when the candidate files a statement of candidacy, whichever is later.

"Contribution Limitations"

"Section 503(a)" limits an eligible House candidate from accepting contributions aggregating in excess of \$600,000 per election cycle.

"Section 503(b)" provides that an eligible House candidate may transfer amounts from one election cycle to the next, however, the amount of contributions that may be accepted under subsection (a) must be reduced by the amount of the transfer. When calculating the limitation on contributions from political committees and large donors under section 201, the aggregate amount which may be accepted from political committees and large donors shall be one-third of the amount calculated under this subsection.

"Section 503(c)" permits eligible House candidates with a runoff to accept an additional \$100,000 in contributions for the runoff. Of such contributions, one-half may be from political committees and one-half may be from large donors.

"Section 503(d)" prohibits eligible House candidates from making contributions of personal funds to his or her own campaign in excess of \$60,000 per election cycle. Personal contributions from the candidate reduce the amounts which may be accepted from large donors. Personal funds of the candidate may not be matched under "section 504." The limitation on personal contributions by an eligible House candidate does not apply when the opponent of an eligible House candidate is not an eligible candidate and receives contributions or makes expenditures in excess of \$250,000.

"Section 503(e)" provides for civil penalties for exceeding the limits of this section. If an eligible candidate exceeds a limitation under this section by 5 percent or less, the excess shall be refunded to the contributors. If the excess exceeds a limitation by an amount between 5 and 10 percent, an amount equal to three times the limit shall be paid into the Fund. If the excess exceeds a limitation by more than 10 percent, the eligible candidate must return all matching funds received, and pay an amount equal to three times the excess plus an amount to be determined by the FEC.

"Section 503(f)" excludes payments for legal and accounting compliance costs and federal and state taxes from the limits of this section.

"Section 503(g)" removes the limit placed upon an eligible candidate by subsection (a), if independent expenditures totaling \$60,000 are made in the election in favor of another candidate or against the eligible candidate.

"Section 503(h)" permits an eligible candidate who wins a contested primary by a

margin of 10 percent or less to accept additional contributions in the general election period of not more than \$150,000. Of such contributions, one-third may be from political committees and one-third may be from large donors.

"Section 503(i)" provides for indexing by the rate of inflation.

"Matching Funds"

"Section 504(a)" provides that an eligible House candidate shall be entitled to receive payments matching the amounts of small individual contributions raised, up to a total of \$200,000, for the general election only.

"Section 504(b)" provides that an eligible House candidate is entitled to receive payments equal to the total amount of independent expenditures, if in excess of \$10,000, made by one or more persons against the eligible candidate or for his or her opponent.

"Section 504(c)" permits an eligible House candidate to receive matching funds only if the candidate has received \$60,000 in contributions from individuals during the election cycle, with only the first \$200 from each contribution taken into account. In addition, the eligible candidate must have qualified for the general election ballot, must have an opponent in the general election, and filed a statement of participation. In the statement of participation, the eligible candidate must agree to comply with the expenditure and contribution limitations, cooperate in the case of an FEC audit by furnishing campaign records and other information, and comply with any repayment requirement.

"Section 504(d)" No contribution in any form other than a gift of money made by a written instrument that identifies the contributor will be matched under this section.

"Section 504(e)" establishes the "Make Democracy Work Fund."

"Section 504(f)" requires that the FEC, not later than 5 days after receiving a request for matching funds, submit a certification to the Secretary of Treasury for payment. All payments must be made not later than 48 hours after certification. If the balance in the Make Democracy Work Fund is insufficient, payments are subject to proportional reductions.

"Section 504(g)" permits an eligible House candidate who wins a contested primary by a margin of ten percent or less to receive an additional \$50,000 in matching funds.

"Section 504(h)" provides for indexing by the rate of inflation.

"Examinations and Audits; Repayments"

"Section 505(a)" requires that the FEC audit 10% of all eligible House candidates, based on a random sample, after the general election. Audits may be conducted of any eligible House candidate on a reason to believe that the candidate may have violated any provision of this title.

"Section 505(b)" provides that if the FEC determines that any payments were made to a candidate in excess of the candidate's entitlement, the candidate will be required to repay to the Secretary an equal amount.

"Section 505(c)" provides that repayments be deposited into the Make Democracy Work Fund.

"Judicial Review"

"Section 506" provides that agency actions made by the FEC are reviewable by the Court of Appeals for the District of Columbia and shall be given expedited review.

"Judicial Proceedings"

"Section 507" authorizes the FEC to appear in and defend any action; institute proceedings to seek repayment determinations; and to make appeals.

"Reports to Congress; Certifications; Regulations"

"Section 508" requires the FEC to submit reports after each election to Congress containing expenditures of eligible House candidates, the amount of matching funds paid each eligible House candidate, the amounts repaid, and the balance in the Make Democracy Work Fund. Such reports are to be printed as House documents. In addition, the FEC is authorized to prescribe rules and regulations (after submitting its proposals to the House and Senate for 30 days).

"Close Captioning of Television Commercials of Eligible Candidates"

"Section 509" provides that no eligible House candidate may receive amounts from the Make Democracy Work Fund unless such candidate certifies that any television commercial prepared or distributed by the candidate will be prepared in a manner containing or permitting close captioning.

Definitions

Section 102 defines the terms "eligible House of Representatives candidate," "general election period," and "election cycle."

Reduced Third-Class Mailing Rates

Section 103 provides that eligible House candidates may receive the same reduced third-class mailing rate that political parties receive. That rate is available to eligible candidates during the general election period only and is limited in number of pieces of mail to three times the voting age population of the congressional district.

TITLE II—LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS AND OTHER PROVISIONS RELATING TO THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

Limitations on political committee and large donor contributions

Section 201 limits the aggregate amount of contributions that any House candidate may accept from all political committees to \$200,000 per election cycle. This section also limits the aggregate amount of contributions that any House candidate may accept from other persons whose contributions total more than \$200 per election cycle, to \$200,000.

Candidates who have runoffs may accept an additional \$50,000 from political committees and \$50,000 from large donors for the runoff. Candidates who win their primaries by a margin of ten percent or less may accept an additional \$50,000 from political committees and \$50,000 from large donors for the general election.

Candidates may raise amounts for legal and accounting compliance costs and federal and state taxes without regard for the limits of this section.

Contributions by dependents not of voting age

Section 202 amends the Federal Election Campaign Act of 1971 to count contributions by non-voting age dependents of another individual as contributions by that individual, and allocates the amounts between that individual and his or her spouse, if applicable.

Contributions aggregated from State and local committees of political parties

Section 203 provides that a candidate may not accept a contribution from the state or local committee of a political party, if, when aggregated with all contributions from all committees of that political party, the amount exceeds a limitation in the Federal Election Campaign Act.

Advances by campaign workers or volunteers

Section 204 exempts advances made by volunteers or employees of a candidate's au

from the definition of "contribution" under the Federal Election Campaign Act of 1971, if reimbursed within 60 days and the advance does not exceed \$1,000 with respect to an election.

Multicandidate political committee contributions to national political party

Section 205 increases the limitation of multicandidate political committee contributions to a national party committee from \$15,000 per year to \$20,000 per year.

Corporate and labor union expenditures for candidate appearances, candidate debates or voter guides

Section 206 provides that corporate or labor union expenditures for candidate appearances, candidate debates or voter guides are contributions to candidates if the corporation or union expressly advocates the election or defeat of a candidate in connection with the appearance, debate or guide, or if the appearance, debate or guide favors one candidate over another.

TITLE III—REQUIREMENT OF BUDGET NEUTRALITY

Budget Neutrality

Section 301 provides that, in order to comply with the Balanced Budget and Emergency Deficit Control Act of 1985, Title VII, sections 503 through 509 of Title I, and section 201 of Title II do not become effective unless certain conditions are met. Provisions must be enacted into law, by January 1, 1993, that limit the business tax deductibility of amounts spent lobbying the federal government or that allow the Make Democracy Work Fund to receive funds voluntarily contributed by individuals and organizations. These provisions must fully offset the net costs of this Act, as estimated.

TITLE IV—INDEPENDENT EXPENDITURES

Clarification of definitions relating to independent expenditures

Section 401 amends the definition of independent expenditure to include communications which contain express advocacy and are made without the participation or cooperation of a candidate. The definition excludes expenditures by political parties, political committees established, maintained or controlled by persons or organizations required to register as lobbyists or foreign agents, persons who communicate or receive information regarding activities that have a purpose of influencing the candidate's election, may not be considered independent expenditures. This section also defines "express advocacy."

Reporting requirements for independent expenditures

Section 402 requires those who make independent expenditures comply with new reporting requirements. Any independent expenditure aggregating \$5,000 shall be reported within 48 hours after such independent expenditure is made. Each additional \$5,000 in independent expenditures triggers a report. Within 48 hours after receipt, the FEC must transmit a copy of the report to the candidate involved.

This section also requires any person intending to make independent expenditures in the 20 days before an election must file a statement on the 20th day before the election. The statement must identify the candidate involved. Within 48 hours after receipt, the FEC must transmit a copy of the report to the candidate identified.

TITLE V—BUNDLING AND SOFT MONEY

Restrictions on bundling

Section 501 prohibits any person from acting as a conduit or intermediary for con-

tributions to a candidate. "Conduit or intermediary" is defined as collecting and transmitting checks to a candidate, except that representatives of a candidate, commercial fundraisers, volunteers holding house parties, and individuals who forward their spouses' contributions are not considered conduits or intermediaries. Representatives of a candidate may not include political committees with a connected organization, political parties, partnerships, sole proprietorships, or any organization which is prohibited from contributing to a candidate under the Federal Election Campaign Act, including corporations, labor unions, National banks, and trade associations.

Any person who is prohibited from being a conduit or intermediary may not conduct joint fundraising activities with a candidate. Joint fundraising conducted by two or more candidates is permitted.

Limitations on combined political activities of political parties

Section 502 limits the amounts which may be spent by political parties on combined Federal and non-Federal political activities in any state to 50 cents times the voting age population of the state, whichever is greater. This limit applies to the aggregate party expenditures made by all party committees of any national party which received convention financing under the Internal Revenue Code of 1986 during the preceding presidential election. The state party committee in each state is responsible for ensuring that the state limitation is not exceeded.

Political party committees that make payments for combined Federal and non-Federal political activity must allocate a portion of such payments to Federal accounts containing contributions subject to the prohibitions and limitations of the Federal Election Campaign Act of 1971.

National party committees must allocate at least 65 percent of voter drives and administrative costs to Federal accounts during presidential election years, and at least 60 percent in all other years. The costs of fundraising activities are allocated based on the amount of Federal funds raised from each activity.

State and local party committees must allocate at least 50 percent of voter drives and administrative costs to Federal accounts during presidential election years. In other years, the amounts of such costs to be allocated to a Federal account are determined by the ballot composition for the election cycle, but, in no event, shall less than 33 percent be allocated to a Federal account. The costs of fundraising activities are allocated based on the amount of Federal funds raised from each activity. Other costs exempt from the definitions of "contribution" or "expenditure," under the Federal Election Campaign Act of 1971, such as slate cards or sample ballots, are to be allocated according to the time or space devoted to Federal candidates.

This section defines the term "combined political activity." Combined political activity means activity that is both in connection with a Federal election and in connection with a non-Federal election. Combined political activity includes activities exempt from the definitions of "contribution" or "expenditure" under the Federal Election Campaign Act of 1971, such as the printing of slate cards or sample ballots, voter registration drives, voter identification drives, get-out-the-vote drives, fundraising activities where both Federal and non-Federal funds are raised, and administrative expenses. Administrative expenses are not subject to the state-by-state expenditure limitation. Com-

bined political activity does not include amounts accepted for building funds or payments for legal or accounting compliance costs. This section also defines the terms "ballot composition" and "time or space devoted to Federal candidates."

Prohibition of solicitations by candidates for tax-exempt organizations

Section 503 prohibits any candidate for Federal office from soliciting contributions for an organization described in section 501(c) of the Internal Revenue Code of 1986, if a substantial part of the activities of the organization include voter registration or get-out-the-vote campaigns.

Reporting requirements

Section 504(a) requires national party committees to report all receipts and disbursements, whether or not in connection with a Federal election. A political committee, other than a national party committee, shall report all receipts and disbursements in connection with a Federal election. Any other political committee which maintains a non-Federal account must report all activity in connection with a Federal election. Reports must include itemization or receipts and disbursements in excess of \$200.

Section 504(b)-(c) requires that contributions and expenditures over \$200 to or by national or state party committees for building funds and state or local party committees for sample ballots and slate cards must be reported and disclosed.

Mailing no longer exempt

Section 505 provides that mailings of campaign materials as volunteer activities and mailings by state and local party committees of slate cards and sample ballots, previously exempt from the definition of "contribution" and "expenditure" under the Federal Election Campaign Act of 1971, are no longer exempt from those definitions.

TITLE VI—PROHIBITIONS RELATING TO POLITICAL COMMITTEES AND FOREIGN NATIONALS

Prohibition of leadership committees

Section 601 prohibits a candidate for Federal office from establishing, maintaining or controlling any political committee other than a principal campaign committee, authorized committee, party committee, or joint fundraising committee. One year after the effective date of this Act, leadership committees must have disposed of their funds by giving them to charity, to the Treasury, to political parties, or to candidates subject to a \$1,000 limitation per candidate.

Prohibition of use of candidate name by political committees

Section 602 requires a candidate to include the candidate's name in the committee's name. Unlawful use of candidate name in committee name or in any context so as to suggest that committee is an authorized committee.

Prohibition of activities of foreign nationals

Section 603 prohibits any foreign national from directing, controlling, influencing or participating in another person's election-related activities.

TITLE VII—CAMPAIGN SURPLUS

Excess funds of incumbents

Section 701 provides that, for the initial election cycle for which the new limitations of Title V of the Federal Election Campaign Act of 1971 applies, any incumbent who is a candidate for re-election, must deposit any campaign funds in excess of \$600,000 into a separate account by the date he or she files

a statement of participation under new section 502. This separate account must comply with the reporting requirements of the Federal Election Campaign Act of 1971. The amounts so deposited are available for any lawful use, other than for a campaign for the office of Representative, unless the provisions of new section 501(d)(1) apply.

TITLE VIII—CAMPAIGN ADVERTISING

Additional disclaimer requirements

Section 801 amends the disclaimer requirements of the Federal Election Campaign Act of 1971. Disclaimers attached to printed communications must be of sufficient type size to be clearly readable, contained in a printed box apart from the other text, and consist of a reasonable degree of color contrast between the background and the printed statement. Disclaimers attached to televised communications must appear for at least four seconds, be clearly readable with a reasonable degree of color contrast between the background and the printed statement, and, if paid for by the candidate, be accompanied by a clearly identifiable photograph or other image of the candidate. The payor of the advertisement must indicate in a statement that the payor is responsible for its content.

Guaranteed lowest non-preemptible rate

Section 802 provides that any House candidate is entitled to the non-preemptible lowest unit rate charged by a licensee for the same amount of time for the same period on the same date, during the 30 days prior to the primary election and the 45 days prior to the general election.

TITLE IX—CONTRIBUTION SOLICITATION

Prohibition of false representation

Section 901 prohibits any person from soliciting contributions by falsely representing himself or herself as a candidate or a representative of a candidate, political committee or political party.

TITLE X—REPORTING REQUIREMENTS

Reporting requirements

Section 1001 amends the reporting requirements of the Federal Election Campaign Act of 1971 to require candidates to itemize all contributions in excess of \$50.

Section 1002 requires that authorized committee operating expenditures be reported by categories, as specified by the FEC.

Section 1003 amends the reporting requirements of the Federal Election Campaign Act of 1971 to change the reporting periods for a calendar year to an election cycle basis.

Section 1004 requires the FEC to maintain computerized indices of contributions exceed \$50.

TITLE XI—EFFECTIVE DATE

Effective Date

Section 1102 provides that the provisions and amendments of this Act shall take effect on the date of enactment, but shall not apply with respect to any election occurring before January 1, 1993.

MAMARONECK VETERANS: AT THEIR COUNTRY'S SERVICE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mrs. LOWEY of New York. Mr. Speaker, I rise today to express my deep gratitude to the

veterans of Mamaroneck, NY, who have stood up for their Nation at the most difficult of times and who join together again on this Veterans Day to reflect on the nature of their service, to recommit themselves to the freedoms and liberties that make this Nation great, and to remember those who made the ultimate sacrifice for our Nation while fighting at their sides.

The 212 members of Mamaroneck's American Legion Post 90 this Veterans' Day are gathering to reaffirm their patriotism and their dedication to the defense of liberty. These individuals are rightly proud of being veterans of our Armed Forces. They literally put their lives on the line so that we could today enjoy the rich rewards of being American citizens. They have risked everything on behalf of what most Americans take for granted: our rights, our liberties, our heritage of freedom.

Today, I call on all Americans to stand with our veterans, to convey to them our very deep appreciation for all they have done for our Nation and for us as American citizens, and to speak up in their behalf. For far too long, this Nation's veterans have not received the benefits they deserve. All too many of those who have fought for this Nation suffer the pain of ill health, financial difficulties, and other problems without the support we all want them to receive.

It is a tragedy that our veterans confront the inadequate conditions which exist at veterans' health facilities around this Nation. It is a tragedy when a veteran in need of medication is turned away because of budgetary constraints. It is a tragedy that veterans have been denied financial assistance and are left homeless.

Today, I recommit myself to the veterans of Westchester County and the Nation. I will continue my fight to ensure that the resources are made available to respond to their most basic needs. Yes, these are difficult times, but if we cannot, as a Nation, ensure a decent life to those who have risked everything for us, I am afraid that we have lost the sight of the values of fairness, justice, and equity for which men and women have fought over the years.

America's veterans deserve our respect, but they need much more. They need our commitment to ensure that they have the opportunity to live the American dream.

LA SOCIEDAD AMERICANA CONTRA LA LEUCEMIA

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on November 3, 1991, the Sociedad Americana Contra La Leucemia, the Spanish branch of the southern Florida chapter of the Leukemia Society of America, held a luncheon to raise funds for research and education in fighting leukemia.

Leukemia is an illness that forms in the blood-forming tissues—bone marrow, lymph nodes, and spleen. Leukemia causes a large number of white blood cells to accumulate in these tissues which prevents the production of red blood cells. The shortage of red blood cells means that oxygen will not be delivered

to vital organs. If untreated, leukemia will result in death.

Thanks to the work of volunteer groups like the sociedad, the survival rate has improved from 15 percent 20 years ago to 77 percent today. Thanks to volunteers, the Leukemia Society of America this year was also able to fund 204 researchers working at 78 institutions in the United States and abroad.

I wish to recognize Jackie Bravo, the Latin coordinator for the southern Florida chapter of the society, for assisting in planning the November 3 fundraising luncheon. I wish also to recognize Marcia Tonda, of Tonda & Associates, and Irela Diaz, of Coalition of Hispanic American Woman, for coordinating this event and Aleida Leal, of WQBA radio, for being the mistress of ceremonies.

The board of trustees of the southern Florida chapter of the society also deserve recognition for the time they dedicate toward fighting this terrible disease. Their names follow: Katie Anderson, Mercedes Antonell, Carlos Arboleya, Alexis Arguello, Robert W. Bauchman, David Beru, John Bernard, R. Kenneth Bluh, John Byrnes, Patricia Caballero, Chris W. Charouhis, Carrie Corral, Irela Diaz, Michael G. Disney, Ronald E. Dobeistein, Carlos A. Enriquez, Luis Fernandez, Dr. Luis Fernandez, Jim Ferraro, Victor Findura, Rebecca Fisher, Johnathan Fisher, Jerry Flacks, Lewis Fraser, Coach Ron Fraser, Howard I. Garson, Carol P. George, Judy Gilbert, Hank Goldberg, Mr. and Mrs. Mitch Gordon, Allen L. Greenberg, William Harvey, Laura J. Herndon, Alan B. Ives, Sam Janowitz, Margaret Kaminer, Ken Kepner, Dr. Howard S. Koch, Dr. Michael A. Kutell, Aleida Leal, Larry Lehr, Lucy O. Leon, Dr. Rafael Leon, Susan Lichtman, Dr. Martin E. Liebling, Bonnie Lundquist, Carmen Lunetta, Dr. Antonio Marquez, Robert H. McCammon, Edward J. McCarthy, Julio E. Mendez, Neil Mergler, Emilio Millan, Sylvia Minchew, Scott Modist, Judge Robert H. Newman, Joanie Nielson, Dominic Pino, Dr. Judith Ratzan, Edward J. Reilly, Dr. Manolo Reyes, Ralph J. Rossi, Carter Saxon, Alex Schreer, Tony Segreto, Paul Shaver, Elaine Simes, J. Jay Simons, W. Blake Smith, Richard Sox, Judge Richard H.M. Swann, Dr. Jack Donald Temple, Arne Themmen, Marcia Tonda, Barton S. Udell, Laura Wright, John R. Wurster, and the executive director of the chapter, Ritchie Sonner.

EXTENDING CERTAIN EXPIRING TAX PROVISIONS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. GUARINI. Mr. Speaker, today I am introducing a bill to extend for 1 year a group of 12 tax provisions scheduled to expire by or before the end of 1991.

I am pleased to have several members of the Committee on Ways and Means join with me in this effort, including Mr. VANDER JAGT, Mr. RANGEL, Mr. JACOBS, Mr. MOODY, Mr. JENKINS, Mr. FORD, Mr. MATSUI, Mr. SHAW, Ms. KENNELLY, Ms. JOHNSON, and Mr. ANTHONY. I also want to thank Senator DANFORTH and

many of his colleagues on the Senate Finance Committee who are introducing identical legislation today.

Given the current state of the economy, this legislation is crucial. Although legislation designed to stimulate economic activity has been introduced by the administration and by various Members of Congress, there is as yet no consensus—beyond agreement on a much-needed extension of unemployment benefits—on how to bring the country out of this lingering recession. As a result, none of the bills that might be of benefit to the economy in creating new jobs and growth are likely to be acted on this year.

At the same time, the tax provisions that are the subject of the legislation that I am introducing today are currently adding economic benefit by, among other things, encouraging research and development activities, stimulating the construction of low-income housing, assisting first-time homebuyers, educating our workforce, and promoting the employment of the structurally unemployed. These significant economic benefits will be lost if we allow the tax incentives to expire.

One provision that is particularly dear to me is employee educational assistance. Right now, literally thousands of American workers are waiting to learn whether or not they can take classes that will enable them to improve their ability to support themselves and their families. These are not "high rollers," but are hard working, average Americans, most of whom earn less than \$30,000 per year; over one-third of whom earn less than \$20,000.

One such worker that the Ways and Means Committee heard testimony from this year was Debbie Ireland of Hewlett-Packard. Ms. Ireland was a single mother earning about \$15,000 a year as an assembly line worker. With no training and no job skills, she couldn't find a higher paying job. Luckily, she worked for an employer who provided educational assistance under section 127. She will graduate from college next May and now makes about \$20,000. This is what educational assistance can mean to average Americans.

The time to act is now. Though some may argue that these provisions can be dealt with next year, retroactive legislation is not an adequate alternative. Faced with the possibility that these provisions may not be extended, many businesses will have no alternative but to cut back dramatically and in some cases discontinue the activities encouraged by these tax incentives. Moreover, with a Presidential election looming, with all the partisanship that this entails, there is no guarantee that these tax incentives will not become a casualty of election-year politics. These circumstances are bound to have an adverse impact on technological innovation, employment, and construction. Once business opportunities are lost, they are often never fully recaptured.

Though there may be no consensus on how best to stimulate the economy in the long term, there is broad bipartisan consensus as to the policy merits and practical effectiveness of these provisions. In addition, I fear that failure to renew these economic incentive measures may slow an already stagnating economy. Accordingly, extending these tax provisions is something that we can do now to benefit the economy.

Finally, although this legislation does not contain specific revenue proposals to pay for the 1-year extension of these provisions, I am working on possible revenue measures and will come forward with suggestions at the appropriate time.

One such possibility which I have introduced is legislation to end a practice known as "double-dipping" by those S&L operators involved in the 1988 year-end FSLIC deals. Simply put, these S&L operators are taking loss deductions even though they aren't losing any money. The result is billions in profits for these operators and a huge drain on the Federal Treasury. This perverse tax situation is also slowing down the pace of the RTC bailout and contributing to the decline in real estate prices in affected areas.

Fourteen members of the Ways and Means Committee have sponsored this legislation. The administration, via Secretary of the Treasury Brady, has endorsed this legislation, calling its passage "essential." Treasury has also estimated that double-dipping is costing the taxpayers \$4.2 billion. I do not know whether this legislation will generate sufficient revenue to pay for the expiring provisions, but surely it can contribute substantially to this effort. Only a narrow group of special interests oppose it. It is a clear example that ways can be found to pay for these expiring provisions if there is just the will to do so.

DESCRIPTION OF PROVISIONS

1. EXCLUSION FOR EMPLOYER-PROVIDED EDUCATIONAL ASSISTANCE

Under present law, employers can offer their workers tax-free tuition reimbursements for education outside of the workplace through qualified educational assistance programs, thus helping to maintain an educated workforce.

Under a qualified educational assistance program, an employee's gross income, for both income and employment tax purposes, does not include amounts paid or incurred by the employer for educational assistance. To qualify, the program must meet certain requirements, including the requirement that the program may not discriminate in favor of highly compensated employees. This exclusion is limited to \$5,250 of educational assistance with respect to an individual during a calendar year.

2. TARGETED JOBS TAX CREDIT

Since its inception in 1979, TJTC has been directly responsible for encouraging employers to hire approximately 5,000,000 structurally unemployed individuals—individuals who have little, if any, work history. Expiration of this proven, cost effective, jobs program will have a significant adverse impact on economically disadvantaged and disabled individuals.

A recent GAO study confirmed that today TJTC is an effective incentive (a 40 percent credit on the first \$6,000 in wages) for private business to hire individuals who experience severe obstacles to employment. The targeted groups are (1) vocational rehabilitation referrals; (2) economically disadvantaged youths aged 18 to 22; (3) economically disadvantaged Vietnam-era veterans; (4) Supplemental Social Security Income recipients; (5) general assistance recipients; (6) economically disadvantaged cooperative education students aged 16 to 19; (7) economically disadvantaged former convicts; (8) Aid to Families with Dependent Children recipients; and (9) economically disadvantaged

summer youth employees aged 16 to 17 receive a 40 percent credit on the first \$3,000 of wages.

Past experience has proven that despite the best efforts of the job service, employers will never receive certifications for the vast majority of people hired during any hiatus. Thus they will have no choice, but to abandon their costly efforts to seek out, identify, and file with the job service for the TJTC eligible workers.

3. TAX CREDIT FOR QUALIFIED RESEARCH EXPENDITURES

To encourage research and development [R&D] by U.S. companies, a 20-percent tax credit is allowed to the extent that a taxpayer's qualified research expenditures for the current year exceed its base amount for that year. Qualified research expenditures include (1) in-house expenses of the taxpayer for research wages and supplies used in research; (2) certain time-sharing costs for computer use in research; and (3) 65 percent of amounts paid by the taxpayer for contract research conducted on the taxpayer's behalf. Only expenses incurred within the United States qualify for the credit computation.

4. ALLOCATION AND APPOINTMENT OF RESEARCH EXPENSES

The research and experimental expenses incurred by a multinational corporation generally will benefit that company in more than one of the countries in which it does business. Thus, even if all of a company's R&D expenses are incurred in the United States, present law requires the company to allocate those expenses between the United States and foreign countries in order to compute its U.S. and foreign source income.

Under Treasury Regulations first issued in 1977, after separating out expenses which are of benefit only in one country, a taxpayer next allocates 30 percent of its deductible R&D expenses to the country where over half of the taxpayer's total deductible R&D expenses are incurred (the "place of performance"). A taxpayer can allocate more than 30 percent of its R&D expenses to the place of performance only if it can establish that a significantly higher percentage is warranted because the R&D reasonably can be expected to have a very limited or long-delayed application outside of that country. After making this "place of performance" allocation, the taxpayer must apportion its remaining R&D deduction on the basis of the relative amounts of its domestic and foreign sales receipts.

Because these regulations do not create a sufficient incentive for businesses to conduct their R&D within the United States, their effective date has been postponed through a series of statutory provisions. Under the most recent of these provisions—which expired on August 1, 1991—64 percent of all U.S.-incurred R&D expenses may be allocated to U.S.-source income, 64 percent of foreign-incurred R&D expenses may be allocated to foreign-source income, and the remainder is allocated on the basis of sales or gross income.

5. TAX CREDIT FOR LOW-INCOME RENTAL HOUSING

The low-income rental housing tax credit is designed to encourage the construction of rental housing for low-income tenants. The tax credit is allowed over a 10-year period for newly constructed, substantially rehabilitated, or newly acquired existing residential rental housing for low-income tenants. For most newly constructed and rehabilitated housing, the amount of the credit is adjusted so that the credit equals 70 percent of the

present value of the total qualified expenditures. With respect to existing housing that is acquired and converted to low-income use and newly constructed or substantially rehabilitated property receiving other Federal subsidies, the amount of the credit is equal to 30 percent of the present value of the total qualified expenditures.

A residential rental project qualifies for the low-income housing credit only if (1) 20 percent or more of the rental units are occupied by tenants whose income is 50 percent or less of area median income, or (2) 40 percent or more of the rental units are occupied by tenants whose income is 60 percent or less of area median income. Low-income housing tax credit projects must be maintained as low-income properties for at least 30 years.

6. QUALIFIED MORTGAGE BONDS AND MORTGAGE CREDIT CERTIFICATES

The Qualified Mortgage Bond (QMB) provisions of present law allow State and local governments to issue tax-exempt bonds to finance mortgage loans on single-family owner-occupied residences. These bonds may be used to finance the purchase, or qualifying rehabilitation or improvement, of residences located within the jurisdiction of the issuer of the bonds. At least 95 percent of the net proceeds of the issue must be used to finance residences for first-time buyers who have had no present ownership interest in their principal residence during the 3-year period before their mortgage is executed. This limitation does not apply to mortgagors who receive qualified home improvement or rehabilitation loans. QMB financing is available only to mortgagors whose family incomes do not exceed 115 percent (100 percent for families of fewer than three persons of the higher of (1) the median gross income for the area in which the residence is located, or (2) the Statewide median gross income.)

Different rules apply in "targeted areas," which are defined as (1) a census tract in which at least 70 percent of the families have incomes that are 80 percent or less of the statewide median family income, or (2) an area of chronic economic distress designated by the Secretary of the Treasury and the Secretary of Housing and Urban Development.

7. QUALIFIED SMALL-ISSUE MANUFACTURING BONDS

Interest on certain small issues of private activity bonds is exempt from tax if at least 95 percent of the bond proceeds is used to finance manufacturing facilities or certain land or property for first-time farmers. For this purpose, manufacturing is defined as the production of tangible personal property.

Qualified small-issue bonds are issues having an aggregate authorized face amount of \$1 million or less. Alternatively, the aggregate face amount of the issue, together with the aggregate amount of certain related capital expenditures during the 6-year period beginning 3 years before the date of the issue and ending 3 years after that date, may not exceed \$10 million.

8. DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS

Individuals who work as employees often receive subsidized health insurance coverage from their employers. Self-employed individuals receive no such benefits. Accordingly, present law provides a deduction for 25 percent of amount paid for health insurance for a taxable year on behalf of a self-employed individual and the individual's spouse and dependents. No deduction is allowable to the extent that the deduction exceeds the self-employed individual's earned income for the

taxable year for the trade or business with respect to which the plan providing the medical care coverage is established.

The 25-percent deduction is also available to a more than 2 percent shareholder of an S corporation. For purposes of the deduction, the shareholder's wages from the S corporation are treated as his or her earned income.

No deduction is allowable for any taxable year in which the self-employed individual or eligible shareholder is eligible to participate (on a subsidized basis) in a health plan of an employer of the self-employed individual (or such individual's spouse).

9. EXCLUSION FOR EMPLOYER-PROVIDED GROUP LEGAL SERVICES; TAX EXEMPTION FOR QUALIFIED GROUP LEGAL SERVICES ORGANIZATIONS

Present law also allows the exclusion from an employee's income of amounts contributed by an employer to a qualified group legal service plan on behalf of the employee (or the employee's spouse or dependents). The exclusion also applies to any services received by an employee (or the employee's spouse or dependents) and any amounts paid to an employee under a plan as reimbursement for the cost of qualifying legal services. The exclusion is limited to an annual premium value of \$70. In order to be a plan under which employees are entitled to tax-free benefits, a group legal services plan is required to fulfill certain requirements. One such requirement is that group legal services benefits may not discriminate in favor of highly compensated employees.

Current law also provides tax-exempt status for an organization the exclusive function of which is to provide legal services or indemnification against the cost of legal services as part of a qualified group legal services plan.

10. TAX CREDIT FOR ORPHAN CLINICAL DRUG TESTING EXPENSES

To encourage companies to develop drugs to treat rare diseases or conditions, a 5 percent nonrefundable tax credit is allowed for a taxpayer's qualified clinical testing expenses for such "orphan drugs." Qualified testing expenses include costs incurred to test an orphan drug after the drug has been approved for human testing by the Food and Drug Administration (FDA), but before the drug has been approved for sale by the FDA. Present law defines a rare disease or condition as one that (1) affects fewer than 200,000 persons in the U.S., or (2) affects more than 200,000 persons if there is no reasonable expectation that businesses could recoup the costs of developing a drug for that condition from U.S. sales of the drug. Rare diseases and conditions include Huntington's disease, myoclonus, ALS (Lou Gehrig's disease), Tourette's Syndrome, and Duchenne's dystrophy (a form of muscular dystrophy).

11. BUSINESS ENERGY TAX CREDITS FOR SOLAR AND GEOTHERMAL PROPERTY

Under present law, a nonrefundable business energy tax credit is allowed for 10 percent of the cost of certain qualified solar and geothermal energy property. Solar energy property that qualifies for the credit includes any equipment which uses solar energy to generate electricity, to heat or cool (or provide hot water for use in) a structure, or to provide solar process heat. Qualifying geothermal property includes equipment which produces, distributes, or uses energy derived from geothermal deposits, but, in the case of electricity generated by geothermal power, only up to (but not including) the electrical transmission stage.

12. MINIMUM TAX EXCEPTION FOR GIFTS OF APPRECIATED TANGIBLE PROPERTY

For purposes of computing alternative minimum taxable income, present law provides that the deduction for charitable contributions of capital gain property—whether real, personal, or intangible—is disallowed to the extent that the fair market value of the property exceeds its adjusted basis. However, a special rule provides that, in the case of any tax year beginning in 1991, this disallowance will not apply to charitable contributions of tangible personal property.

THE LEGACY OF WILLIAM HUDNUT

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. JACOBS. Mr. Speaker, the following article written by David Rohn and published by the Indianapolis News, speaks for itself.

As it indicates, the mayor of Indianapolis and I are good friends. I am among his strongest admirers.

THE LEGACY OF WILLIAM HUDNUT

(By David Rohn)

Sixteen years ago this election day, William Hudnut III was elected mayor of Indianapolis over banker Robert V. Welch by a vote of 124,100 to 109,761.

That same day, Squeaky Fromme was being tried for a recent assassination attempt on President Gerald Ford. The House Intelligence Committee was investigating reports former President Nixon had directed the CIA to secretly supply arms to Kurdish rebels in Iraq.

On television, you could watch "The Waltons," "Streets of San Francisco," "Hawaii Five-O" or "The Mary Tyler Moore Show" and none of them were reruns. At local theaters you could catch first-run showings of "Mahogany," "Jaws," "Benji" or "Rooster Cogburn."

There were no VCR rental places. The Indiana National Bank Building was the tallest building in the city and the Indiana Pacers, coached by Bobby Leonard, were leading the American Basketball Association. Indianapolis had no NFL football team.

Well, it's still debatable whether professional football has come to Indianapolis. Otherwise this city has undergone a tremendous change in the 16 years that Hudnut has led it.

It is hard to believe after 24 years of unbroken Republican leadership that Hudnut was sweating out that election 16 years ago. He admitted to a reporter that he had been taking tranquilizers to help him get to sleep the previous month because of the stress of the election. On Election Day, Republican officials sent him out to shake hands in the precincts because he was making everyone so nervous fretting about the vote returns.

But, nationally Watergate was still a viable issue that hurt Republican candidates. Inflation was heating up. Locally, some voters were still upset about the passage of Univov. Others were dubious Hudnut could ever hope to fill the shoes of his predecessor, Richard Lugar.

That would be the last mayoral election when Hudnut would lose sleep.

Being mayor of Indianapolis has come so comfortably and naturally to Hudnut, it is easy to take what he has accomplished here for granted.

Ross K. Baker, a political speech writer, once remarked, "Public life is increasingly an environment where to be a 'quick study' is the standard of intellectual excellence. Politicians tend not to write their own words because they do not think their own thoughts. Speech writers become necessary when public officials are too busy to think."

Hudnut did his own thinking and, for the most part, his own speech writing.

He took the blueprint of Lugar's design, turned it into a reality and then built upon that. Hudnut did this at a time when this community was rent by the most divisive issue any community can expect to encounter—school desegregation. And he survived in an era when most big city mayors were being crushed by the burdens of urban America.

It is a testament to what he has accomplished that most people—especially outsiders—tend to look puzzled when one refers to Indianapolis as "Naptown." It is also a sign of this community's maturity, as well as what Hudnut accomplished in the face of what has beset other cities, that no one any longer feels compelled to point out that apple is our middle name.

In the best sense, Hudnut viewed the mayor's office as a pulpit from which to conduct an outreach program. During his four terms in office, there are few hands in this city he has not touched.

He has always campaigned fairly and honestly. It says a lot about this style that one of the people he considers his close friend is Rep. Andrew Jacobs, Jr., against whom he fought two of his toughest political contests.

Today Indianapolis is selecting a new mayor. It may take a while for it to sink in that it's not William Hudnut.

STANLEY WHITMAN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. LEHMAN of Florida. Mr. Speaker, Stanley Whitman has been a dear friend of mine for many years. Stan Whitman is a man of great insight, integrity, and vision. This vision and determination is reflected in his creation, the Bal Harbour Shops. He has proven that he has economic foresight and a strong business acumen.

In spite of his many achievements, Stanley Whitman maintains his same down-to-earth values. His success, it seems, has impressed everyone but Stan himself.

I would like to share with my colleagues an article that recently appeared in the Miami Herald about Stan's extraordinary achievements.

UPSCALE MALL FORGES AHEAD IN TRYING TIMES

(By Susana Barciela)

Like the Iowa farmer in Field of Dreams, Stanley Whitman has a simple belief: If you build the right mix of shops and mystique, the shoppers will come. It's a credo he has used to develop Bal Harbour Shops, South Florida's mall for the upper crust.

In the midst of a retail slump that has seen venerable chains such as Jordan Marsh close, Bal Harbour tenants are renovating, expanding and opening new stores. The mall itself is spending \$2 million this year on improved landscaping, lighting and entrances.

"You either get better or die," said Whitman, 72. "We get better."

The formula has proven successful for a mall that has weathered bad economic times with the good since it opened without any anchors in 1965 at 9700 Collins Ave. Today Bal Harbour has about 100 shops, including anchors Saks Fifth Avenue and Neiman Marcus. Space for a third anchor, 60,000 square feet, has been empty since Bonwit Teller closed in May 1990. That's one of only a handful of vacancies in the 450,000-square-foot mall, which is more than 80 percent occupied.

UPPER ECHELON STORES

Bal Harbour's list of stores reads like a travelogue from Lifestyles of the Rich and Famous: Cartier, Gucci, Louis Vuitton, Gianni Versace and Chanel, among others. If you can't pronounce the name, you probably can't afford the label. And at \$3 per hour for parking, window shopping is not for the thrifty. Who it is for are the same people who shop on Madison Avenue in New York, Rodeo Drive in Beverly Hills and Worth Avenue in Palm Beach, according to Whitman.

Last week at Mark Cross, an exclusive leather shop, a woman was interested in buying a luggage set made of American alligator. Shiny black on the outside, the three suitcases come with calfskin covers to protect them from scuffing. The one-of-a-kind set, on sale only at the Bal Harbour store, goes for more than \$60,000.

Though jet-setters figure significantly among the customers, what keeps the stores alive are the area's 35- to 55-year-old shoppers with large disposable incomes, said Cynthia Cohen Turk, president of Marketplace 2000, a Coral Gables retail consulting firm.

The mall, not near convenient expressways, is not easy to get to from South Dade or West Broward. But unlike most malls that pull customers because of their location, Bal Harbour draws people to its image. It's not unusual for out-of-town visitors to go shopping there as if it were a tourist attraction.

"Call it a destination. It becomes a shopping experience, an outing for an afternoon or a day," said Stephen Friedman, a broker with CB Commercial Real Estate Group. "Bal Harbour has a name. They've created a tradition over the years."

CONSTANT RENOVATION

Continual refinement of that image has allowed Bal Harbour to maintain its supply of exclusive shops, and the wealthy customers who shop there, Friedman said. Meanwhile, other malls, such as Mayfair Shops, Bakery Centre and The Falls, have tried to create the same formula. None has succeeded.

That formula requires constant renovation to stay competitive, so it's not unusual to see the level of activity that's going on at Bal Harbour, said Turk, the retail consultant. "A mall needs to look fresh. So do its stores," she said. "[Bal Harbour] is not like a regional mall that looks like the last regional mall you went to."

LURING RETAILERS

Bal Harbour's ability to recruit leading retailers, even in down years, has been "superior," Turk said. Many retailers follow stores such as Williams-Sonoma, the upscale kitchen and housewares store that opened at Bal Harbor about five years ago, and The Gap, scheduled to open at the end of this month, she said. Considering The Gap's advertising and clientele, it's the kind of store that brings in the younger, affluent crowd the mall needs.

Another new tenant, Hugo Boss, is scheduled to open in early November. Featuring a

German menswear line, this store is owned by race car driver Emerson Fittipaldi. Martine Dailly, store manager, said it'll be the first Hugo Boss shop in the United States. It will sell tuxedos for \$1,200 to \$1,500 and suits beginning at \$700. That won't faze shoppers at Bal Harbour, where "you have all the best names of Europe and best clients," Dailly said.

Banana Republic, owned by the same parent company as The Gap, is among the shops undergoing major renovation at Bal Harbour. Last week, workers were adding finishing touches to the brightly lit store. Empty wood shelves lined the walls, waiting for merchandise. The store layout, which had been in place for a year, was no longer working, Turk said. The new design is one planned for other stores in the chain.

Mark Cross, the store with the alligator luggage, reopened this month after a two-month renovation that cost upwards of \$500,000. Jane Rossi, the chain's regional manager, said all 20 U.S. locations are being redone in the same manner, including stores on Worth Avenue and in Town Center mall in Boca Raton. A Bal Harbour tenant since 1968, Mark Cross had record-breaking sales in 1990 and is doing better than projected this year, Rossi said.

IMAGE IMPROVEMENTS

While new tenants and renovated stores open, the mall is upgrading landscaping and lighting. Whitman said, at a cost of \$2 million this year. The goal, he said, is to create a "tropical garden" for shoppers. Pink bougainvillea hang from concrete planters that ring the second floor. Ceiling fans, which line the open-air walkways, provide a constant breeze. About 60 coconut trees have been added to the already lush parking lot. Fountains have been enlarged, and facades facing Collins Avenue are better illuminated.

But constant evolution is not fail-proof. Years ago, Christian Dior opened "the most elegant, European-designed store you've ever seen," Whitman said. But it bombed with Americans.

Today, there's no one in the anchor spot vacated by Bonwit. Randy Whitman, the mall's leasing agent and Stanley Whitman's son, said he has talked to many people about that space. But few specialty department stores have the prestige image that would fit the mall.

Despite the loss of an anchor, the elder Whitman said, overall mall sales are healthy. The number of cars parking to shop at Bal Harbour keeps climbing, up about 9 percent over last year. Even with Bonwit closed for six months, he said, total store sales increased in 1990 to \$164 million from \$162 million in 1989. This year through August, sales are running about 1 percent below last year.

That isn't enough to worry Stanley Whitman, a Miami Beach native who owns the mall with two brothers. "We own this free and clear. How can we be hurt?" Whitman said.

CAPITAL BANK HONORED AS ONE OF TOP 10 HISPANIC BUSINESSES

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, it is my great pleasure to recognize Capital Bank

which was recently selected as one of the 10 most important Hispanic businesses in Dade County by the Greater Miami Chamber of Commerce and the Hispanic Heritage Council.

Along with the other businesses, Capital Bank was presented with this award at the Omni International Hotel at a luncheon honoring these distinguished firms. The businesses were selected from a list of the 100 most important Hispanic firms in the United States which was published in Hispanic Business magazine.

Greater Miami Chamber of Commerce president-elect Carlos Arboleya said that these firms were selected for their efforts for the Hispanic community and for their contribution to the economic development of Dade County.

Accepting the award for Capital Bank was director Abel Holtz, who said he was proud to accept the award and be associated with one of the 10 most important Hispanic businesses in Dade County.

I would like to take this opportunity to thank Capital Bank for the contributions it has made to the economy of south Florida, providing economic opportunity, economic development, and employment for the people of the Miami area.

KENTUCKY'S STATE OF THE ART EDUCATIONAL TECHNOLOGY

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. MAZZOLI. Mr. Speaker, I wish to comment to the attention of my colleagues the following article from the New York Times of October 30, 1991. This piece illustrates an innovative educational technique that has been adopted by the Kentucky Educational Television Network [KET].

KET uses satellites to beam educational programs originating from Lexington to students in remote areas of the State. While educational programs broadcast via satellite are not uncommon or new, what is new is the key pad system that KET uses in order to provide instant feedback for students. In the key pad system, students are told immediately by video display whether their answers to questions are right or wrong.

This state-of-the-art technology is especially important for Kentucky since large numbers of its students are not able to take classes at advanced levels because, in many cases, the number of students needing this level of instruction is too small to justify hiring teachers.

Thus, the interactive satellite system is especially necessary for the teaching of foreign languages, physics, calculus, and other high level science and math classes. The interactive technology is designed to meet the needs of this day and age—and has the capacity to improve instruction in these vital subjects.

There are 91 Kentucky high schools currently receiving instruction via this satellite system. It is most encouraging to see this kind of innovative and forward-looking educational tool being provided to students in the Commonwealth, and I commend the Kentucky Educational Television Network for its efforts.

TO TEACH DISTANT PUPILS, EDUCATORS IN KENTUCKY TURN ON INTERACTIVE TV

(By Kathleen Teltsch)

Four years ago, educators in Kentucky were already using television sets to connect teachers and students separated by hundreds of miles, but they were casting about for a way to improve that way of teaching by making it interactive.

They found their answer in a sports bar in downtown Lexington.

If patrons watching televised sports could simply push a key pad to predict a football play, they decided, why not equip students in a math, physics or foreign language class with key pads, so they could respond instantly to their distant instructors?

Since then, the key pad technology has been adopted by the Kentucky Educational Television network. The network, a state agency, uses satellites to beam its Star Channels educational programs to students in remote rural areas of the state, and to students in at least 18 other states. In the key pad system, students are told immediately, on a tiny video display, whether their answers are correct and if not, what was wrong.

Distant learning programs broadcast via satellite are not uncommon, but the innovative element in the Kentucky system is the key pad that permits instant feedback. And Kentucky educators say they see a multitude of additional uses down the road.

LOOKING TO THE FUTURE

"We look ahead to broadcasting adult literacy classes, training work forces and teaching about the arts," said Virginia Gaines Fox, chief executive officer of the Kentucky network. "Why, five years from now, our current key pad technique likely will look as primitive to us as the manual typewriter or the Model T."

The network's Star Channels programs already are attracting widespread attention, having drawn visitors from China, Kuwait and other Persian Gulf states interested in sending educational programs to distant locations. The network was also among 10 winners of \$100,000 Innovation Awards, given jointly last month by the Ford Foundation and the John F. Kennedy School of Government at Harvard University.

Kentucky's interactive technique was inspired by need, Mrs. Fox said. The state has a large population of students who otherwise would not be able to take some advanced courses, either because their school districts have been unable to find qualified teachers or because the number of students seeking instruction is too small to justify hiring teachers.

Now 91 Kentucky high schools are receiving network classes via satellite, studying physics, calculus, German and Latin. Another 120 schools in other states also are participating. All 1,300 public schools in Kentucky already have the dish antennae needed for remote broadcasting because the Legislature provided \$11.4 million in 1987 for a closed-circuit satellite system connected to each school.

STATE INVESTS \$30 MILLION

Since 1988, the state has invested \$30 million in the program to insure that each school is equipped also with computers, telephone links and key pads. The special key pad was developed with a \$500,000 Federal grant.

Typically, classes are made up of 12 students, although some of the more complex instruction may be offered in smaller groups. Students gather in a classroom, a library or

some other location equipped with a console, a television set, telephone and the key pads; the outfit costs about \$6,000 and schools are expected to raise about half the cost.

The system's instructors broadcast each class, commonly to 50 or 60 schools, from studios in Lexington. During the classes, which last about 50 minutes, they pose frequent questions that students are expected to answer by pushing the appropriate keys on five-by-seven-inch pads.

ERRORS ARE EXPLAINED

For now students are limited to yes-no or multiple-choice responses, but engineers are working on more intricate key pads. The key pads transmit to a computer in the classroom and the computer transmits the data to the network. The data are displayed almost instantly for the instructor.

The students' key pads are equipped with small visual displays, which tell the student if the reply is correct or briefly explain the error. The responses are also tabulated by computer in the studios, so the instructor knows instantly if students are absorbing the lesson. Pupils can also telephone instructors during the lesson to ask added questions. Each class also has a monitor, usually a student teacher but sometimes a parent, who assists the students.

The response from instructors so far is enthusiastic. Chuck Duncan, a physics teacher, said the frequent questioning and feedback had become a strong motivator for students and had enhanced their learning.

"I hesitate to say it, but I think that I have more success in this area with my television students than I did with my face-to-face students," he said.

Another teacher, Ruth Styles, said many students in her German language classes were faring well. But she cautioned that the system worked best with pupils who were highly motivated and independent learners, a conclusion other teachers shared.

NO TWO-WAY VIDEO

The Star Channels system is not without flaws. There is no provision, for example, for two-way video so the teacher can observe the students and respond more easily. In an Ohio experiment, the Ohio Bell Telephone Company and the GTE Corporation are installing a network that will link three elementary schools with Ohio University's School of Education. People at all four locations will be able to see and talk with one another over the network.

Still, supporters tout Kentucky's system as a partial answer to the nationwide clamor for improving instruction in math and science.

"We designed Star Channels not only to meet the needs of students in Kentucky, but to allow other states to copy the model and so provide equality in education across their states," said John Gorman, director of integrated technologies at the network. "Systems such as these are not meant to replace the teachers in the classroom; their purpose is to provide instruction when a teacher is not available."

INTRODUCTION OF THE MELALEUCA CONTROL ACT OF 1991

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. SHAW. Mr. Speaker, today I am introducing the Melaleuca Control Act of 1991. As

many of my colleagues are aware, the Florida Everglades is a fragile ecosystem, unique to North America, that is under tremendous environmental pressures. Currently, a weed, called *Melaleuca*, is invading unchecked into the Everglades, turning the Everglades' wetlands into a monospecific *Melaleuca* forest. The purpose of my legislation is to control the spread of this noxious weed before the native ecosystems of the Everglades are merely a memory.

Local and State governments in Florida, as well as the Federal Government have spent millions to control this insidious pest. To assist their efforts, my legislation would first, place *Melaleuca* on the Federal Noxious Weed List [FNWL]; second, direct the Secretary of Agriculture to propose regulations to add the Brazilian pepper and the Australian pine, two other exotic plant pests, to the FNWL; and third, authorize appropriations for construction of a research and quarantine facility for *Melaleuca* and other noxious weeds that plague Florida.

Melaleuca was introduced to Florida from Australia in the year 1906. It was originally brought in as a potential lumber tree, and to help dry up the Everglades, which was then considered a wasteland. Since then, *Melaleuca* has spread so rapidly throughout south Florida's native Everglades that it has become a serious pest. It now threatens to permanently replace and eliminate Florida natural plant communities and the animals that live in them. Surveys of *Melaleuca* show that it infests 400,000 to 600,000 acres of the Everglades, with over 80,000 acres being dense, pure stands of *Melaleuca*. These pure, monospecific forests of *Melaleuca* are often so dense that neither animals nor people can move through them.

Melaleuca constitutes a severe problem in south Florida that is literally growing every day. The weed already infests significant parts of the ecosystem in and around the Everglades National Park. The Everglades itself is on the brink of ecological collapse—so sick it might soon be the first national park to be considered environmentally dead. According to the many experts I have consulted with concerning the future of the Everglades, exotic plants, specifically *Melaleuca*, are the second greatest threat to the park, second only to the continual replenishment of the water supply for the park.

Melaleuca already infests both the Big Cypress National Preserve and the Loxahatchee National Wildlife Refuge. The rest of Florida, as well as all the States which border the Gulf of Mexico, are potentially at risk for *Melaleuca* to invade their ecosystems.

In brief, *Melaleuca* is a biological disaster for south Florida. Rampant, uncontrolled growth of the weed drains the Everglades' water without playing any significant positive role in the food chain. The prolific *Melaleuca* crowds out indigenous plants and wreaks havoc on the food chain. Like kudzu in the South and purple loosestrife in the upper Midwest, *Melaleuca* is an exotic foreign plant that has no natural enemies here. It is turning a unique environment teeming with life, into a dry, monospecific forest.

Predictions of the spread of *Melaleuca* indicated that over 50 percent of the Everglades' wetlands would be infested by the end of the

century. In many areas, these infestations are well ahead of predictions. Intense and extensive wildfires which have recently plagued the Everglades have only helped to increase their spread.

Another serious problem with *Melaleuca* is that *Melaleuca* forests use four to five times more water per acre than do the sawgrass prairies which are usually found before *Melaleuca* takes over. The Everglades provides all of the water that supplies the Biscayne Aquifer, which is the primary water source for south Florida. With an already overburdened water supply, the addition of *Melaleuca* to the water recharge system of the Everglades has further lowered our regional water tables. This has strained these already overused water supplies even more.

Luckily, there is a solution to this problem. According to experts most acquainted with the *Melaleuca* problem, the best, long-range hope for control and suppression of serious, widespread pest plants like *Melaleuca* is an approach called classical bio-control. What is entailed with classical bio-control is a careful survey of insects, and sometimes pathogens, in the pest plant's native habitat, which in this case is Australia. Once it is determined that such insects exist, the ones deemed most promising are tested in their native habitat to be sure they only feed on the one species of plant you wish to control. It is then tested on native horticultural and ornamental plants that occur in the area where control is desired, in this case, south Florida.

Once the Australian testing is completed, the best insect species would be brought into strict quarantine in specially designed USDA facilities and tested again using strict criteria to again ensure that these insects only eat *Melaleuca*. Only after this thorough testing are any of the insects released to begin their work. This approach comes from an understanding of the natural history of biology of a species and does not rely on a high-technology quick fix. While chemical control methods can be very useful and quite successful, they are only short-term, stop-gap methods designed to minimize the further spread of *Melaleuca* until the biological control agents are able to bring it under control.

Although classical bio-control is not widely known to the general public, it is being used on an ever-widening basis to control exotic plant pests. For example, the Corps recently released a biological control agent for waterlettuce, a floating aquatic plant which severely infests Florida. Waterlettuce interferes with recreation, navigation, irrigation, impedes water flow, interferes with water control structures, and acts as a detriment to the public health by providing harborage to certain mosquito larvae. The Corps already spends millions of dollars each year on the removal of exotic aquatic plants in Florida, such as waterlettuce. Hopefully this expenditure can someday safely be reduced when bio-control agents fully take effect.

Currently a *Melaleuca* bio-control project is under way at the Fort Lauderdale Research and Education Center in Broward County, FL, called the Aquatic Plant Management Lab, which is under the direction of the Agriculture Research Service, an arm of the USDA. Testing in Australia has begun, and over 200 po-

tential insects have been identified. Funding and support for this project is provided by the USDA, the Army Corps of Engineers, the National Park Service, Everglades National Park, the Florida Department of Natural Resources, the South Florida Water Management District, the Dade County Department of Environmental Resources, the Lee County Division of Resource Management, and the Florida Department of Environmental Regulation.

Unfortunately, the major factor that is impeding progress to find a suitable insect to control *Melaleuca* is the lack of quarantine space. Currently, the Aquatic Plant Management Lab shares a quarantine facility at Gainesville, FL, with the Florida Department of Agriculture and the University of Florida at Gainesville. However, the Gainesville facility is far from the main infestations of *Melaleuca* and facility space specifically to quarantine insects to control *Melaleuca* is limited.

Last year, Congress passed at my request as part of the energy and water appropriations bill (P.L. 101-514) a \$250,000 appropriation to devise a plan to build a modest quarantine facility in Broward County, FL. To finish this vital project, I have included language in my bill that would authorize a \$3 million appropriation. I believe this money will be wisely spent as the Corps has adopted a cost-effective approach to this project; most quarantine facilities cost between \$500 to \$1,000 per square foot, while this project would only cost \$300 per foot for a 6,000 square foot facility.

Additionally, the University of Florida has signaled its intention to donate the land where this quarantine facility will be located. The south Florida Water Management District currently has also committed to give \$75,000 annually for a period of 5 years to support *Melaleuca* research overseas.

Although this facility will be primarily used to battle *Melaleuca*, it can also be used to quarantine insects for other exotic plants. Among these would be hydrilla and water hyacinth, which both clog and choke Florida's numerous waterways and canals. The Brazilian Pepper and the Australian Pine, two other exotic plant species which threaten the Everglades' natural ecosystems, could also be studied there.

On a different front, I have been trying for over 2 years to have the USDA list *Melaleuca* on the FNWL. I am pleased to report that after long negotiations, the USDA finally agreed on October 16, 1991, to propose regulations that would list *Melaleuca* on the FNWL.

The base of local support for listing *Melaleuca* as a noxious weed is very diverse. In the past, absence of a more concentrated Federal effort to control *Melaleuca* infestation by the USDA, numerous Florida counties, communities, and groups as well as the State itself have taken their own initiatives. Florida has already declared *Melaleuca* a noxious weed, making the growth and sale of the plant illegal in the State. Both Broward and Dade, Florida's two largest counties, have passed resolutions asking for *Melaleuca* to be added to the list of noxious weeds. Furthermore, the counties of Broward, Dade, Martin, Collier, Lee, Palm Beach, and Charlotte have passed legislation designed to help control the spread of *Melaleuca*.

Communities such as Hollywood, St. Lucie, and Sanibel Island have passed ordinances

that restrict the use of Melaleuca or require its removal from public lands. Finally, the entire Florida congressional delegation, the State of Florida Department of Natural Resources, Friends of the Everglades, Everglades National Park, and the Exotic Pest Plant Council have also asked USDA to list Melaleuca.

The reason most often given by the USDA in the past for not listing Melaleuca has been that Melaleuca is not new—it was introduced in 1906 and it is widely prevalent, and therefore not eligible for inclusion on the Federal Noxious Weed List. However, there are a number of plant species that were listed as Federal noxious weeds in the 1970's and early 1980's that were first collected in the late 1800's or early 1900's in the United States—*Imperata brasiliensis*, 1905; *Poema triloba*, 1916; *Galega officinalis*, 1981. Hence, the USDA's position, prior to its decision to hold this public hearing, had been inconsistent with its past actions.

Regarding the "widely prevalent" clause, the USDA defines "widely prevalent" as finding the plants in two or more States. Since Melaleuca is found in at least four states, it is, by this definition, not eligible. However, witchweed, which is found in North and South Carolina, was listed in 1976. Additionally, what if a newly introduced noxious weed inhabits only a 20-acre area, but that area happens to cross Florida, Georgia, and Alabama State lines? Nature does not respect political boundaries.

In view of the USDA's past actions with other weeds, some of which I detailed above, Melaleuca can be, and should be, added to the noxious weed list. Although I am happy that the USDA has finally taken action on this matter, I have nevertheless, because of bureaucratic delays, felt compelled to include in my bill language that would add Melaleuca to the FNWL regardless.

Allow me to also address one of the main reasons the USDA has been hesitant to list Melaleuca because of the supposed negative economic effect such an action would have on Florida's honey industry. It is estimated that 25 percent of Florida's \$12 million a year honey harvest is derived from Melaleuca, and another noxious weed, the Brazilian pepper. Is giving up the Everglades, which is priceless, worth the comparatively little sum made from Melaleuca-derived honey, which cannot even be sold as a table honey because of its foul and rancid taste? Cannot the bees instead pollinate native plant species, which presumably would take the place of Melaleuca?

A 1989 Miami Herald editorial, in support of adding Melaleuca to the State noxious weed list, states,

In the years that it will take to eradicate these invaders, beekeepers will have ample opportunity to find new sources of pollen. Years ago, after all, Florida beekeepers relied on native palmettos.

In my opinion, keeping Melaleuca off the Federal Noxious Weed List because of its damage to the honey industry is patently ridiculous, and everybody knows it.

I am fully cognizant of the fact that adding Melaleuca to the Federal Noxious Weed List in itself will not solve the Melaleuca problem. It will, however, be yet another useful weapon to use against this insidious pest. Listing this

weed will give Melaleuca the Federal recognition it deserves, and it will heighten public awareness of the problem.

In conclusion, let me state that experts have told me that the second greatest threat to the Everglades is posed by the invasion of exotic plants, and Melaleuca is the number one invasive plant—water quality and quantity problems are the first. Finally, almost a century after Melaleuca's introduction to Florida, a remarkable coalition including Congress, Federal agencies, State agencies, county agencies, concerned scientists, and environmentalists have coalesced to fight this threat head-on, instead of piecemeal. Congressional support last year was the catalyst in giving the Corps the resources it needed to demonstrate that the Federal Government was indeed serious about this threat. Continued support from the Congress is crucial if we are to finish the job and check this problem once and for all.

Mr. Speaker, I am pleased that a majority of my colleagues from Florida have joined me in introducing this important legislation. I am also gratified that Congressman EVANS, NOWAK, LAGOMARSINO, and HORTON have agreed to become original cosponsors of this bill. Although Melaleuca is not a problem in either Illinois, California, or New York, those Members have their own biological pollution problems, and obviously can sympathize with Florida's plight. I thank them for their support.

ANNAPOLIS CHAPTER NO. 286 OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION CELEBRATES 60TH ANNIVERSARY

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to congratulate and pay tribute to the Annapolis Chapter No. 286 of the American Hellenic Educational Progressive Association [AHEPA] which is celebrating its 60th anniversary this year on November 16, 1991. I am a proud member of the Silver Spring, MD, chapter of this fraternity which promotes the principles of education, sports, and good government.

AHEPA was founded in Atlanta, GA, on July 26, 1922, to provide education and principles of American government to Greek immigrants entering the United States. Throughout its existence, AHEPA has evolved to being active in community civic programs and raising money and providing scholarships for students going to college.

I am sure I speak on behalf of all the members of this fine association who are proud of the work they have accomplished for their communities and fulfilling the dreams of students upon entering college. In celebrating AHEPA's 60th anniversary, I am looking forward to continuing to work with our members to inform young Americans on the virtues of a good education, involvement in sports, and active participation in our democratic system.

DR. H. LEWIS BATTS, JR.

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to a constituent and very special friend of mine, Dr. H. Lewis Batts, Jr., professor of biology emeritus at Kalamazoo College and executive director emeritus of the Kalamazoo Nature Center. On Thursday, November 21, 1991, Lew will be presented with the E. Earl Wright Community Achievement Award. The award is presented annually to an individual who has made a significant impact on the quality of life in Kalamazoo County.

An ecologist of international reputation, Lew Batts has throughout his life combined the roles of a distinguished academic and committed citizen-activist. And his environmental teachings and advocacy have made their mark on a wide variety of institutions and individuals.

I have felt enormously privileged to have been one beneficiary of Lew's insights and ecological wisdom. Indeed, no individual was more responsible for my own environmental awakening. It was Lew that helped me, as he has helped so many others, to understand that the survival of all humankind is dependent upon our taking steps now to protect that very fragile ecosystem of ours. For over 20 years, Lew Batts has been both a friend and a mentor and I am delighted that he is to be this year's recipient of Kalamazoo's most prestigious community service award.

Lew first came to Kalamazoo in 1950, having accepted an appointment as a biology instructor at Kalamazoo College, where he taught for 30 years. When a secluded nature preserve in Kalamazoo was threatened by development, Lew took a year's leave of absence from the college to organize a group of concerned citizens to protect the endangered area. Two million dollars were raised to purchase the property that was to become the site of the pioneering Kalamazoo Nature Center, a remarkable institution devoted to environmental preservation and education.

Lewis Batts' commitment to community service reaches far beyond his creation of the Nature Center. Over many years, he has invested both time and seemingly endless energy to a vast array of community and professional organizations: The American Association of University Professors, the American Association for the Advancement of Science, the Association of Interpretive Naturalists, the Boy Scouts of America, the Ecological Society of America, the National Audubon Society, the National Park Association, the Sierra Club, the Rotary Club, Lake Michigan Federation, the Nature Conservancy, the Wilderness Society, and many others. Lew has often been called upon to lend his environmental expertise to public policymakers at State and national levels as well as in the local community. He was, in addition, a founding trustee of the important Environmental Defense Fund—an organization which has grown to include over 50,000 members nationwide since its inception in 1967. And I was privileged a few years ago to recruit Lew Batts to the board of the Congressional Environmental and Energy Institute.

Lew's sensitive and caring leadership has been repeatedly recognized by his friends and colleagues. He has been the recipient of the Kalamazoo Sertoma Club Service to Mankind Award; the Malta VIII Golden Knight International Amateur Film Festival Bronze Knight Award for his documentary, "Birds in New Zealand"; the Four Star Nature Photographer Award by the Photographer Society of America; and, most recently, the 1991 Michigan Alliance for Environmental and Outdoor Education Julian W. Smith Award.

Mr. Speaker, I am certain that my colleagues will want to join with me in saluting Dr. H. Lewis Batts, Jr., for his outstanding contributions to his community and to the Nation. No matter how many awards and tributes we bestow upon him, we will never be able to adequately acknowledge the tremendous debt we owe to this very special individual. His multiple contributions to the cause of environmental stewardship make him truly deserving of the E. Earl Wright Community Achievement Award.

STANLEY WHITMAN FORGES
AHEAD DESPITE RECESSION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mrs. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Stanley Whitman, the owner of Bal Harbour Shops, who was recently featured in the Miami Herald. The article "Upscale Mall Forges Ahead in Trying Times," by Susana Barciela, tells how Stanley Whitman continues to renovate and expand his mall despite a retail slump:

Like the Iowa farmer in Field of Dreams, Stanley Whitman has a simple belief: If you build the right mix of shops and mystique, the shoppers will come. It's a credo he has used to develop Bal Harbour Shops, South Florida's mall for the upper crust.

In the midst of a retail slump that has seen venerable chains such as Jordan Marsh close, Bal Harbour tenants are renovating, expanding and opening new stores. The mall itself is spending \$2 million this year on improved landscaping, lighting and entrances.

"You either get better or die," said Whitman, 72, "We get better."

The formula has proven successful for a mall that has weathered bad economic times with the good since it opened without any anchors in 1965 at 9700 Collins Ave. Today, Bal Harbour has about 100 shops, including anchors Saks Fifth Avenue and Neiman Marcus. Space for a third anchor, 60,000 square feet, has been empty since Bonwit Teller closed in May 1990. That's one of only a handful of vacancies in the 450,000-square-foot mall, which is more than 80 percent occupied.

Bal Harbour's list of stores reads like a travelogue from Lifestyles of the Rich and Famous: Cartier, Gucci, Louis Vuitton, Gianni Versace and Chanel, among others. If you can't pronounce the name, you probably can't afford the label. And at \$3 per hour for parking, window shopping is not for the thrifty. Who it is for are the same people who shop on Madison Avenue in New York, Rodeo Drive in Beverly Hills and Worth Avenue in Palm Beach, according to Whitman.

Last week at Mark Cross, an exclusive leather shop, a woman was interested in buying a luggage set made of American alligator. Shiny black on the outside, the three suitcases come with calfskin covers to protect them from scuffing. The one-of-a-kind set, on sale only at the Bal Harbour store, goes for more than \$60,000.

Though jet-setters figure significantly among the customers, what keeps the stores alive are the area's 35- to 55-year-old shoppers with large disposable incomes, said Cynthia Cohen Turk, president of Marketplace 2000, a Coral Gables retail consulting firm.

The mall, not near convenient expressways, is not easy to get to from South Dade or West Broward. But unlike most malls that pull customers because of their location, Bal Harbour draws people to its image. It's not unusual for out-of-town visitors to go shopping there as if it were a tourist attraction.

"Call it a destination. It becomes a shopping experience, an outing for an afternoon or a day," said Stephen Friedman, a broker with CB Commercial Real Estate Group. "Bal Harbour has a name. They've created a tradition over the years."

Continual refinement of that image has allowed Bal Harbour to maintain its supply of exclusive shops, and the wealthy customers who shop there, Friedman said. Meanwhile, other malls, such as Mayfair Shops, Bakery Centre and The Falls, have tried to create the same formula. None has succeeded.

That formula requires constant renovation to stay competitive, so it's not unusual to see the level of activity that's going on at Bal Harbour, said Turk, the retail consultant. "A mall needs to look fresh. So do its stores," she said. "[Bal Harbour] is not like a regional mall that looks like the last regional mall you went to."

Bal Harbour's ability to recruit leading retailers, even in down years, has been "superior," Turk said. Many retailers follow stores such as Williams-Sonoma, the upscale kitchen and housewares store that opened at Bal Harbour about five years ago, and The Gap, scheduled to open at the end of this month, she said. Considering The Gap's advertising and clientele, it's the kind of store that brings in the younger, affluent crowd the mall needs.

Another new tenant, Hugo Boss, is scheduled to open in early November. Featuring a German menswear line, this store is owned by race car driver Emerson Fittipaldi. Martine Dailly, store manager, said it'll be the first Hugo Boss shop in the United States. It will sell tuxedos for \$1,200 to \$1,500 and suits beginning at \$700. That won't faze shoppers at Bal Harbour, where "you have all the best names of Europe and best clients," Dailly said.

Banana Republic, owned by the same parent company as The Gap, is among the shops undergoing major renovation at Bal Harbour. Last week, workers were adding finishing touches to the brightly lit store. Empty wood shelves lined the walls, waiting for merchandise. The store layout, which had been in place for a year, was no longer working, Turk said. The new design is one planned for other stores in the chain.

Mark Cross, the store with the alligator luggage, reopened this month after a two-month renovation that cost upwards of \$500,000. Jane Rossi, the chain's regional manager, said all 20 U.S. locations are being redone in the same manner, including stores on Worth Avenue and in Town Center mall in Boca Raton. A Bal Harbour tenant since 1968, Mark Cross had record-breaking sales in 1990 and is doing better than projected this year, Rossi said.

While new tenants and renovated stores open, the mall is upgrading landscaping and lighting. Whitman said, at a cost of \$2 million this year. The goal, he said, is to create a "tropical garden" for shoppers. Pink bougainvillea hang from concrete planters that ring the second floor. Ceiling fans, which line the open-air walkways, provide a constant breeze. About 60 coconut trees have been added to the already lush parking lot. Fountains have been enlarged, and facades facing Collins Avenue are better illuminated.

But constant evolution is not fail-proof. Years ago, Christian Dior opened "the most elegant, European-designed store you've ever seen," Whitman said. But it bombed with Americans.

Today, there's no one in the anchor spot vacated by Bonwit. Randy Whitman, the mall's leasing agent and Stanley Whitman's son, said he has talked to many people about that space. But few specialty department stores have the prestige image that would fit the mall.

Despite the loss of an anchor, the elder Whitman said, overall mall sales are healthy. The number of cars parking to shop at Bal Harbour keeps climbing, up about 9 percent over last year. Even with Bonwit closed for six months, he said, total store sales increased in 1990 to \$164 million from \$162 million in 1989. This year through August, sales are running about 1 percent below last year.

That isn't enough to worry Stanley Whitman, a Miami Beach native who owns the mall with two brothers. "We own this free and clear. How can we be hurt?" Whitman said.

I am happy to pay tribute to Stanley Whitman by reprinting this article from the Miami Herald. I am proud that his mall, Bal Harbour Shops, is located in my district, and has continued to grow and prosper since 1965.

NEW ROCHELLE VETERANS
DEDICATE MEMORIAL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mrs. LOWEY of New York. Mr. Speaker, after 2 years of dedicated work, New Rochelle's United Veterans Memorial and Patriotic Association this year marks Veterans Day by dedicating a memorial to 20th century veterans of that community. That memorial is the product of constant commitment to this very appropriate recognition for those who have served this Nation without reservation over the years.

It is my privilege to be part of the ceremonies which pay tribute to thousands of brave individuals who have stood up for this great Nation in the most difficult of times. Veterans Day is a time to remember the sacrifices that individual Americans have made for all of us. But it is also a time for all Americans to commit ourselves to those who have served in our Armed Forces. The sad reality is that, for too long, this Nation's response to the needs of American veterans has been woefully inadequate. Today, I rise to state without equivocation that I will fight with every ounce of my strength to see that, at long last, pro-

grams designed to meet the most basic needs of our veterans: health care, education, housing, receive the resources that they need.

I can think of few inequities more self-evident and more unjust than for an individual who has served our Nation in time of war to then be turned away when he or she is in need of help. I cannot comprehend how we, as a nation, can allow that to happen, but it does all too often. As the veterans of New Rochelle dedicate this memorial, I dedicate myself to ensuring that our veterans are not forgotten by their fellow citizens. I dedicate myself to ensuring that America's veterans have the honor and respect they deserve and that they are able to lead lives of dignity.

New Rochelle's veterans memorial is a reflection of the commitment and dedication of many in our community, but special recognition goes to New Rochelle's American Legion Post 8 and its commander, Bill Kummerer, who have led the effort to make this tribute a reality. I commend them for that work and for all that they do, day in and day out, on behalf of their fellow veterans.

**THE ARCHBISHOP OF ZAGREB
CALLS FOR AN END TO SERBIAN
AGGRESSION IN CROATIA**

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. BROOMFIELD. Mr. Speaker, all of us are deeply disturbed by the ongoing conflict in Croatia. Since June, over 3,000 people have been killed, thousands more wounded and nearly 400,000 displaced. Property damage is massive, with historic churches and cultural sites destroyed. At this moment, the historic old city of Dubrovnik may be under fire from the guns of the Serbian-led Yugoslav National Army. All of this is the work of Slobodan Milosevic, a Serbian nationalist, who is destroying Yugoslavia in an effort to build a greater Serbia. Meeting with the European Community in The Hague last week, President Bush concluded that further actions were needed "to hold accountable those who place their narrow ambitions above the well-being of their people" in Yugoslavia.

I recently met with His Eminence Franjo Cardinal Kuharic, the Archbishop of Zagreb, and share his great distress over the suffering of the Croatian people and the destruction of that beautiful land. Addressing the National Conference of Catholic Bishops in Washington recently, the archbishop shared his thoughts on how the world community can end the terrible war of aggression in Croatia.

In an official statement at the conference, the organization's president, Archbishop Daniel E. Pilarczyk, condemned the pernicious, unjust war being waged against the people of Croatia. He further stated that "the continuing assault on Dubrovnik represents a particularly blatant attack on innocent civilians and a disregard for the cultural heritage of not only the Croatian people but of the entire world. These acts of indiscriminate and disproportionate violence clearly violate the most fundamental legal and moral norms governing the use of force."

I join Archbishop Franjo Cardinal Kuharic in hoping that justice and peace will soon come to his troubled country and want to share with my colleagues in the Congress the full text of his address.

**ADDRESS TO NATIONAL CONFERENCE OF
CATHOLIC BISHOPS**

(By Franjo Cardinal Kuharic, Archbishop of Zagreb, President of the Bishops' Conference, November 11, 1991)

Your Eminences, Most Reverend Cardinals, Your Excellencies, Most Reverend Archbishops and Bishops:

It is indeed a great honor and joy for me to greet you as you gather for the Fall meeting of the American Conference of Bishops.

I express thanks to Almighty God and to all of you for this opportunity. I join with you in prayer that the Holy Spirit guide your deliberations and aid in the decisions which you will make that the Church may even more effectively serve the moral and spiritual needs of the people in your great country, the United States of America. Numbered among the citizens of your land there are more than two million Croatians who through their work and honest endeavors contribute to the well-being of America. They have come to this blessed land from Croatia bringing with them their identity, culture and language, which springs from a glorious history of more than thirteen centuries. United with the Catholic Church, the thought and culture of the Croatian people is firmly linked to that of Western Europe.

Today as I come to your midst from Croatia, it is a land which is being torn apart by a horrible war that is being waged upon it from the outside. This war is attempting to destroy all freedom and democracy and is striking at the culture as well as history of the Croatian people, so their very existence is now in jeopardy. This is a war of aggression being waged by the federal army under the leadership of Serbian generals who are in league with the extremist movement which seeks now to create a greater Serbia. This war is further fueled by the communist ideology which they are holding on to, confident they can maintain to revive the fallen socialist system. War is a horrible catastrophe, especially in the devastation it heaps upon people and nations.

After the fall of communism, under which the Church was very persecuted and oppressed and peoples and nations were brutally maltreated because of their beliefs, there now came a ray of hope that this new movement to democracy would bring about the long-awaited peace, justice and freedom. Alas, instead we have war!

Many of our Croatian cities and countless more villages are under constant attack by heavy artillery, tanks, missiles, and planes. Many villages have been totally wiped away and the people driven into exile. A large number of towns and cities are threatened with total annihilation, among them Dubrovnik and Slunj, which are now encircled. Vukovar is entirely demolished. More than 2,000 persons, including small children, are living in the most inhumane conditions in cellars among the ruins. The number of Croatian refugees exceeds 400,000. Those who fled to Dubrovnik for safety in the tourist hotels now are being bombarded and these places destroyed.

The war is bringing severe suffering and hardship to the Church as well as the people. It is a concerted attack on the Church as Church. More than 200 church buildings, monasteries and rectories have been completely destroyed or severely damaged. More

than 180 parishes in Croatia have been totally obliterated because the priests and people have been forced out and into exile. Their homes were looted and pillaged, then destroyed. There are known incidences where older persons refused to leave their homes and were massacred and set on fire in their own dwellings. The wounded or those taken captive are treated in the most brutal way. Eye-witness accounts which have reached us from those who returned home told shocking stories of the actions of the terrorists, including their methods of torture. They utterly disregard any international laws or conventions which forbid such actions. These same aggressors do not spare public or private residences, hospitals, cultural monuments, or factories. The territories which they occupy are sealed off so there can be no outside observation or control.

This is the situation in which we find ourselves! The church, however, still continues to work for peace, for the respect of legitimate borders as well as respect for the rights of all people, so that with freedom and justice they can all live together in peace and security. It is for this reason that the highest representatives of the Catholic and Serbian churches held meetings twice this year, in May and then again in August. Each time we issued a joint resolution appealing for peace and dialogue. We firmly expressed our opposition to violence.

Unfortunately, those who are determined to achieve their goals by force do not heed any appeals, but rather continue their violent and destructive deeds of murder and war, bringing about untold sufferings to the civilian population, including hundreds of children.

This war is a shame to a democratic and free world!

The greatest step towards bringing this war to an end would be the recognition of a free Croatia and Slovenia where the people voted by a 95% majority in favor of freedom and independence. The same holds true for others who desire this same freedom. The Church considers this a matter of justice. With this in mind, we appeal for the support of the Catholic Church in the United States. We will always be grateful to the Church in America for its help and support given us during the period of great trial under communist oppression. The Church as well as the Croatian people were the beneficiaries of your magnanimous help and support. An extraordinary example of this, among the countless other things you did, was your outstanding defense of the innocence of the great champion and defender of the rights of the people and the freedom of the Church, the late and beloved Archbishop of Zagreb, Aloysius Cardinal Stepinac.

My beloved brother Bishops, we are asking your solidarity with those who are suffering. We seek your support for those in my homeland who now struggle for peace and freedom. I thank the Church in this great land of freedom for your prayers for peace in our land. The several statements of solidarity and support for Croatian self-determination which have been made by this Conference of bishops and so many of its members individually, have been a source of great encouragement at a most difficult time for us. I am most grateful for the aid of Catholic Relief Services and to your other charitable organizations, in which a great number of people of Croatian descent participated, to provide medicines, food, clothing and other necessities of life for our refugees who have been driven from their homes without any of their possessions. In these most tragic days, we

place our trust in the Holy Mother of God, Our Lady, Queen of Peace. We wish to live in peace and harmony with everyone, and pray that all people in our area have that same peace and freedom! "Peace is the first fruit of justice!" (Isalah). With my deepest sentiments of esteem, fraternal love and gratitude, I join my prayers with yours today asking God's blessing upon the Church in your beloved America which is so dear to all of you.

God Bless you!

RECREATIONAL BOAT FEE
SHOULD BE REPEALED

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. TALLON. Mr. Speaker, I rise today to urge my colleagues, as they consider any tax relief package, to start out by first repealing the recreational boat fee which was inflicted on the public as part of the budget agreement. Recently, we have finally started talking about ways in which we can use the Tax Code to stimulate the economy via forward thinking measures to encourage retirement savings, reduce the tax burden on working families, and reduce the payroll tax. Before we embark on these ventures, let's send a signal that we are willing to break with the past and discard some of the bad ideas which have a lot of my constituents wondering what we're doing here.

A prime example of the old approach is the recreational boat user fee. It's called a fee, but most people's idea of a fee is a charge for which you get some kind of service in return. Here, however, the fee goes straight into the general Treasury, with no assurance that any of the money will go into improving services which these boaters use. In addition, the implementation of this fee has left honest citizens who are trying to comply with this new tax confused and frustrated.

My constituents are left seeing a Congress which is slow to respond to vital problems, lax in its duties to locate and cut out Government waste, yet willing to spend energy in an effort to squeeze every new dime it can from the taxpayer. Now the people in my district cannot even find solace on a Saturday afternoon in their fishing boat; they have to pay for this privilege as well.

I know a lot of you agree that this fee is a bad idea; 412 of you voted in support of a resolution urging repeal of the boat fee. I want to solicit your help again, as we consider other tax measures, to support H.R. 534, which would repeal the recreational boat fee.

As we consider bold and innovative ways to get much needed relief to the American taxpayer and stimulate the economy, let's as a first order of business, let's pull the plug on this unwise tax.

A TRIBUTE TO LAWRENCE BRITT

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. HUBBARD. Mr. Speaker, I take this opportunity to pay tribute to Lawrence Britt, a

longtime, dear friend of mine who died November 10 at Community Hospital in my hometown of Mayfield, KY.

Lawrence Britt, age 78, was a resident of Route 2, Wingo, KY, a dedicated Christian who was a deacon and leader at Wingo Baptist Church, chairman of the commissioners of South Graves County Water District, and a former employee of the Kentucky Highway Department.

Again, Lawrence Britt was my dear friend—one I admired. He was one of the most admired and best liked men in my home county of Graves.

In 1967, when I first sought public office as a State senator, Lawrence Britt was my Graves County co-chairman.

In 1974, when I was seeking to become a U.S. Representative, Lawrence Britt again was my Graves County cochairman.

Many people in south Graves County realize that Lawrence Britt—more than anyone else—was responsible for the South Graves County Water District.

Last night, as I discussed the accomplishments of Lawrence Britt with his lovely and talented wife, Lucille Britt, we talked about the many ways Lawrence Britt helped others and worked toward progress for western Kentucky.

Understandably, a large crowd visited Brown Funeral Home in Wingo last night to pay tribute to Lawrence Britt. And today, a large crowd attended his funeral service in Wingo.

Other survivors of Lawrence Britt include three daughters, Barbara N. Suthard, Brooksville, FL; Annetta (Butch) Tucker and Lana K. Pate, both of Wingo; one son, Robert Gregory Britt, Louisville; two sisters, Ivern Waggoner and Olene Myatt, both of Wingo; four grandchildren and four great-grandchildren.

My wife Carol joins me in extending our sympathy to the family of this outstanding man, Lawrence Britt.

TRAGEDY IN THE PHILIPPINES

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. CUNNINGHAM. Mr. Speaker, the people of the Philippines wonder what could possibly happen next.

First, the eruption of Mount Pinatubo wiped a tribal village off the map, sending mudslides where crops once grew. The city of Olangapo is still digging out. And our Nation's own Clark Air Base is damaged beyond repair.

Then, last Tuesday, Tropical Storm Thelma struck the islands of Leyte and Negros, killing thousands, and leaving tens of thousands homeless. The news today suggests that another killer typhoon is on the way.

For generations, the United States has maintained a special relationship with the people of the Philippines. The Filipino people have served our Nation with distinction in the U.S. Armed Forces, most recently in Operation Desert Storm. And even though we are now in the process of turning over Subic Bay Naval Station to the Philippines, the close ties between our two nations will surely continue.

The Government of the United States, in association with private charitable organizations, should work to relieve the unimaginable human suffering of the Filipino people who are so burdened by successive natural disasters. These hurting people have families in America, many of whom live in my home town of San Diego.

In the name of humanity, we who have been blessed with good fortune ought to reach out a helping hand to the people of the Philippines.

For the RECORD, I enclose an article from the Associated Press which summarizes the tragic situation in the Philippines:

BULLDOZERS SPEED MASS BURIALS; AID
RUSHED TO SURVIVORS
(By Oliver Teves)

ORMOC, PHILIPPINES.—Workers used dump trucks and earth movers to speed the mass burials of bodies today, fearing a spread of disease after more than 3,400 people died in floods and landslides in the central Philippines.

Roman Catholic priests offered prayers and sprinkled holy water as bulldozers covered the graves. More than 2,000 people were still missing after Tropical Storm Thelma inundated Leyte and Negros islands on Tuesday.

President Corazon Aquino rushed emergency food and medicine to Leyte, 350 miles southeast of Manila.

Officials said 3,009 people were killed in Ormoc, a once-thriving port and agricultural center of about 160,000 people. The city was hardest hit by the storm, which dumped 6 inches of rain on steep mountainsides left barren by unchecked logging, triggering huge mudslides.

At least 435 deaths were reported elsewhere on Leyte and Negros, according to the Office of Civil Defense.

The mayor of Ormoc, Maria Victoria Locsin, said 700 unclaimed bodies had been buried in mass graves and about 600 others would be covered up as soon as possible to prevent disease. Dump trucks today carried bodies to the grave sites.

Elsewhere, families could be seen burying their dead.

U.S. officials said the military would fly two C-130's with food and other supplies Saturday from Subic Bay naval base to Tacloban, 45 miles northeast. The supplies include 55,000 combat meals, Subic deputy spokesman Bob Coble said.

The government estimated damage at \$14.6 million and said it would ask U.N. General Assembly members for relief.

Japan said it will donate \$1 million in relief aid.

Pope John Paul II said he hoped the world would help the Philippines. It is Asia's only predominately Roman Catholic country.

Ormoc city health officer Dr. Celso Adolfo said it was difficult to make an accurate death count because many people were finding and burying their kin without notifying authorities.

Most of the bodies lying in the streets have been collected. But others are washing up on the shore, and residents believe some are submerged under tons of debris in the harbor.

Mrs. Locsin said the city urgently needed food, medicine, drinking water and fuel. Although Ormoc is an agricultural center, thousands of sacks of rice were destroyed. Residents dried mud-covered rice in the air.

"I was on my way home when I was met by water neck-deep," said Shirley Erlado, a 34-year-old market vendor who lost her hus-

band and six of her seven children. "When I got there, we no longer had a house."

Representative Carmelo Locsin, the mayor's husband, blamed the devastation on illegal logging which had depleted vegetation, nature's protection against landslides in the nearby mountains. Freshly cut logs were amid the debris in Ormoc.

Elsewhere, former First Lady Imelda Marcos visited areas ravaged by June's eruption of the Mount Pinatubo volcano and handed out money and sacks of rice to refugees. Huge crowds lined the roadways in central Luzon to welcome Mrs. Marcos, who returned to the Philippines this week after six years in exile to face embezzlement and fraud charges.

Mrs. Marcos was accompanied by 50 Filipino-American doctors she brought from New York to help treat diseases that have claimed more than 570 lives since the eruptions began.

IN RECOGNITION OF CLYDE FOLLEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mrs. ROUKEMA. Mr. Speaker, the Boy Scouts of America are a unique organization. When most think of the Boy Scouts, the image that immediately comes to mind is the young man, dressed in his khaki uniform, escorting the elderly woman across the street. While I'm sure no Scout would pass up that chance to lend a helping hand, for Clyde H. Folley and the Bergen Council of the Boy Scouts of America, Scouting has meant so much more. It is for that reason that on Tuesday, November 12, 1911, the Bergen County, New Jersey Council of the Boy Scouts of America will gather to recognize this native son of New Jersey with the Good Scout Award.

The Good Scout Award is presented to an individual who has been extremely supportive of Scouting through his good works in his community and who has distinguished himself in his life work. Few meet these criteria as fully as Clyde Folley. Few more perfectly fit the definition of role model for young Americans. His career as a successful leader of the business community mirrors his dedication to our youth and the quality of life in New Jersey.

A lifelong resident of New Jersey, Clyde Folley was born in Fort Lee in 1927 and now resides in Oradell, NJ. He graduated from Pace University in 1950 with a B.B.A. degree.

Clyde H. Folley joined Ingersoll-Rand Co. in 1981 as senior vice president and chief financial officer. In 1986 he was named vice chairman and was elected to the board of directors of the company. He continues to serve as chief financial officer. Under his guidance, Ingersoll-Rand has become a solid, world-renowned Fortune 500 company.

Prior to his association with Ingersoll-Rand, Mr. Folley has been a partner of Price Waterhouse and a member of its policy board. A leader in his field of corporate finance, Mr. Folley serves as a director of United Jersey Bank, Giddings & Lewis, Inc., and Faber-Castell Corp. He is the current chairman and a director of the New Jersey State Chamber of Commerce. In addition, Mr. Folley is a past

chairman of the Commerce and Industry Association of New Jersey.

Mr. Folley joined the executive board of the Bergen Council of Boy Scouts in 1988. He served as president from 1988 to 1990 and continues to be a member of the executive board. Under his leadership, the council was able to expand in many ways, not only in growth of number of youth served but, more importantly, in the quality of programs serving the youth of Bergen County. A kind word, an optimistic attitude, and a winning smile exemplify the way Clyde Folley looks at the world and his impact on today's youth. His enthusiasm, respect for his fellow man, and creative ideas have led the youth of Bergen County to great heights.

Finally, Mr. Speaker, Clyde Folley has not forgotten the Scout lessons of community and to help other people at all times. In that effort, Mr. Folley has served as a trustee of the United Way of Essex and West Hudson for 8 years. He was president of the Newark Day Center and served on the organizations' board of trustees for 14 years.

Mr. Speaker, scouting brings boys of common interests together and provides a camaraderie that builds friendships and nurtures character. I can think of few who are better role models for our youths than Clyde Folley. That is why I urge my colleagues in the U.S. House of Representatives to join with the Bergen County Council of the Boy Scouts of America and me in congratulating Clyde H. Folley as he receives the Good Scout Award.

LITTLE HAVANA ACTIVITIES AND NUTRITION CENTER KEEPS AIDING THE ELDERLY DESPITE BUDGET CUTS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Miami's Little Havana Activities and Nutrition Center for the way it has handled a recent cut in their State funding. Josefina Carbonell, the center's director, has continued to provide services to the needy by taking some commonsense steps to reduce its budget.

Despite losing \$300,000 in State funding for hot meals and transportation for the elderly, the center still feeds 1,400 people at home, and 2,400 at 16 locations throughout Dade County on a daily basis.

The center has also been able to keep its new clinic on track for a scheduled opening later this year, even though \$50,000 in State funds for the clinic is threatened by possible budget cuts. The center did this by delaying the clinic's opening from late September to November, using private donations and volunteer retired doctors, and delaying the purchase of some equipment.

The clinic will be the only publicly supported health center serving the neighborhood's aging populations, including many who suffer from chronic health problems.

I am happy to pay tribute to the hardworking members of the staff of the Little Havana Ac-

tivities and Nutrition Center for their dedication and perseverance in the face of recent budget cuts. They have set an example for other public agencies by using private donations and volunteers to continue providing services to the needy.

RECOGNIZING THE SACRIFICE OF THE AMERICAN AND PHILIPPINE TROOPS AT BATAAN

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. CUNNINGHAM. Mr. Speaker, on November 4, 1991, I introduced legislation which would recognize the sacrifice of the Bataan survivors. I am joined in this effort with 42 original cosponsors from both sides of the aisle.

Gen. Douglas MacArthur designated the Bataan Peninsula the center point for American-Philippine resistance to the Japanese invasion of the Philippines. On Christmas Eve 1941, General MacArthur ordered his forces to withdraw to Bataan, where supplies would be stockpiled for a last stand. Because of the jungle it would be difficult for the Japanese to penetrate, but also hard to supply the American troops. For this reason, shortages of food and medicine plagued the Bataan defense force throughout the siege.

On January 9, 1942, Japanese troops forced the American and Philippine troops deeper into the jungle, but at a great cost in Japanese lives. In March, when the United States and Philippine troops seemed to be holding the line, the War Department ordered MacArthur to leave the Philippines. However, shortages in supplies weakened the 100,000 troops that remained.

During this time, the Japanese cut off the possibility of any reinforcements and the new commander, Gen. Jonathan Wainwright, predicted starvation. General MacArthur insisted that Bataan could hold out until May. Unfortunately, this was not the case.

During the week of April 3, 1942, the Japanese renewed their attack on Bataan and within a week Bataan surrendered. The starved survivors were forced to a 60-mile "death march" to prison camp. After fighting valiantly against better-armed Japanese forces, these brave men became the first POW's of the Second World War.

What is so unique about the battles of Corregidor and Bataan is that Navy sailors and Marines fought side by side with Army soldiers. Their ships and aircraft destroyed, these men fought gallantly, hoping that the rest of the Navy would cross the Pacific to their rescue. Little did they know that their hopes were drowning in Pearl Harbor.

Because of their heroism, all U.S. Army personnel at Bataan were awarded the Bronze Star. However, over 3,000 sailors and marines who fought along with the Army, suffering the same hardships and capture were not awarded the Bronze Star due to a Navy policy against awarding medals to units as a whole. Regardless of the differences in particular policies and procedures between the Services,

those sailors and marines who gave so much at Bataan should not be overlooked.

The 600 to 800 Bataan death march veterans should not be deprived of the Bronze Star.

As we approach the Christmas holidays, what better gift could we give to those brave men who so long ago during Christmas risked their lives for their country? I urge my colleagues to join me in supporting House Joint Resolution 367.

**BATTLE CREEK ADVENTIST
HOSPITAL**

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. WOLPE. Mr. Speaker, I rise to pay tribute to the Battle Creek Adventist Hospital located in Battle Creek, MI, on the occasion of its 125th anniversary.

The Battle Creek Adventist Hospital has a long and rich history, beginning in 1866 when a group of Seventh-Day Adventists founded the Western Health Reform Institute, later to become known as the Battle Creek Sanitarium. The institute emphasized a nutritious diet and outdoor exercise as essential components of "wellness in wholeness," and in due course became a world renown health spa. The Seventh-Day Adventist goal has been to meet the health care needs of the whole person—reflecting the Adventist dedication to wellness by healthful living through the teaching and administering of a preventative, holistic lifecare system focusing on the individual and the family.

Dr. John Harvey Kellogg, a well-known surgeon, inventor, and author, became proprietor of the sanitarium in 1903 where he remained medical director for 67 years while his brother, W.K. Kellogg, served as the sanitarium's business manager. During this period, the American Dietetic Association was founded, emerging out of the search for more wholesome and nutritious foods. The sanitarium, where wheat flakes were developed as a nonmeat breakfast option for patients, also can be credited with the origin of the cereal industry. W.K. Kellogg later left the sanitarium to establish the world-class cereal company that still bears his name. In 1970, the sanitarium became the Battle Creek Adventist Hospital. Today, it is the largest combined mental health and addiction treatment facility in west Michigan.

The Battle Creek Adventist Hospital has over 60 professionals—including psychiatrists, psychologists, and occupational, recreational, music and art therapists—who work together as a team to provide quality and comprehensive health care. The Battle Creek Adventist Hospital is known particularly for its strong mental health programs for children and adolescents, and for its full range of inpatient and outpatient addiction treatment services. Specialized programs include dual diagnosis for those with concurrent psychiatric and substance abuse disorders; an addiction treatment program created for women; partial hospitalization for seniors; and special programs for eating disorders and for the treatment of cocaine addiction.

Mr. Speaker, the Battle Creek Adventist Hospital has helped countless individuals and families grow and gain in self-confidence and in the development of coping skills needed to lead productive lives. We are all in debt to the dedicated hospital administration, staff, and volunteers. I am certain my colleagues will want to join me in wishing the Battle Creek Adventist Hospital a very happy 125th anniversary.

YUGOSLAVIA

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. BROOMFIELD. Mr. Speaker, I commend President Bush for joining the European Community in taking a firm stand against aggression in Yugoslavia. Although his decision is a good start, our President should continue to speak out on the ongoing tragedy in that country.

While in The Hague, President Bush announced that he would join that 12-nation European organization which recently imposed wide-ranging trade sanctions, essentially on Serbia, in an effort to halt the ongoing fighting in Croatia.

The administration will also apply sanctions on Serbia, end aid programs there and co-sponsor a resolution in the United Nations that will impose an oil embargo on that republic.

The Serbian leader, Mr. Milosevic, is destroying Croatia as he builds his Greater Serbia. He has used the Serbian-led army for political purposes, killing over 2,000 Croats, and displacing over 300,000 innocent human beings.

Mr. President, you have played a historic role in building the new world order. You should continue to speak out on this ongoing crisis and play a more active role in halting the terrible conflict there.

Americans are outraged by the aggression of the Serbian dictator. Mr. Speaker, it is time for this body and the administration to get tough with Mr. Milosevic.

**MY PHARMACY CELEBRATES 25TH
ANNIVERSARY**

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the My Pharmacy drug store chain which will be celebrating its 25th anniversary on November 17. The south Florida firm has enjoyed a 600-percent growth rate over the last 4 years.

My Pharmacy owners credit this incredible growth to their decision in 1986 to rent and sell home medical equipment [HME], along with prescription and nonprescription medicines. Their three stores carry a complete selection of wheelchairs, hospital beds, traction paraphernalia, walkers, braces, and oxygen devices.

The firm initially tested the HME venture in one of the stores 5 years ago, before aggressively pursuing it in the others. The idea originated with a New York City area drug store which like many other Empire State concepts was transplanted to Florida.

Jerry Warshofsky and Bert Smith started My Pharmacy 25 years ago. The name was chosen so that people could easily remember it. It was originally intended to be a buying group which would pool resources for buying television time and get volume discounts on drugs and other merchandise. My Pharmacy would look for stores to buy, put the My Pharmacy name on it, and bring in a pharmacist to manage the store. Because the manager had a vested interest in the success of his store, My Pharmacy was able to deliver a higher level of personalized service to its customers.

Just when the firm was entering the HME business, it began selling off most of its stores to national chains who were willing to pay high prices to enter the fast-growing south Florida market. Profits from the sale of these stores were used to add two new retail stores in Homestead and Coral Gables with HME departments. There is also a south Miami store, The Diabetes Resource Center, with a display of HME.

I would like to take this opportunity to commend the staff of My Pharmacy for the years they have devoted to providing medical supplies to the people of south Florida. They include cofounder and managing partner Jerry Warshofsky, cofounding partner Bert Smith, coowner, and manager Allen Collazo, and vice president Maria Collazo.

CARIBBEAN DEBT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. TOWNS. Mr. Speaker, the Third World debt problem is one which continues to plague economies throughout the globe. The problem is particularly acute in Latin America and the Caribbean. The Congress considered numerous plans to alleviate this debt burden and has sought to promote legislation for programs designed to lessen Latin American and Caribbean indebtedness while promoting growth and market reform.

Jamaica's Ambassador to the United States, Dr. Richard Bernal, has written an op-ed piece, "A Way Out of the Caribbean Debt Trap," which appeared in the Washington Post on Tuesday, November 5, that addresses the debt problem in the Caribbean and offers possible solutions. I would like to insert that article into the RECORD and I recommend it as sound reading for my colleagues in the House.

A WAY OUT OF THE CARIBBEAN DEBT TRAP

(By Richard Bernal)

The 20-odd countries of the Caribbean are trapped in a debt crisis that is unique for two important reasons. Because such a large chunk consists of loans by government—unlike the commercial debt owed by most of Latin America—the U.S. government can act quickly to alleviate the crunch. And because of the region's close economic and other ties to the United States, easing the Caribbean

debt stranglehold directly benefits Americans—so the United States should reduce the debt burden for reasons of self-interest.

Total debt servicing for the Caribbean is approximately \$1 billion annually, while debt payments to the United States alone come to more than \$100 million. The Enterprise for the Americas Initiative now before Congress would reduce the bilateral debt owed by those Caribbean and Latin American countries diligently trying to restructure their economies. It acknowledges that the debt of some Caribbean nations can only be paid at the detriment of both the debtor and creditor country.

The economic plight of the region has reflected and will reflect itself in declining markets for U.S. exports, fewer investment opportunities, increasing susceptibility to involvement in drug trafficking, burgeoning migration, the necessity for increased development assistance and political instability. Obviously, none of this is in America's interest.

Conversely, taking Jamaica as an example, the restoration of our import capacity through debt relief is to the mutual benefit of both our countries because 50 cents of every dollar we spend on imports is used to purchase goods and services from the United States. If our private sector grows, it will certainly increase its need for raw materials from America—our largest trading partner—and will develop the capacity to increase significantly its contribution to trade between our nations.

The trade of our Caribbean neighbors is similarly concentrated with the U.S. economy. Overall, debt relief to the Caribbean would translate into \$50 million to \$60 million annually in increased demand for U.S. exports, creating thousands of jobs and aiding the U.S. trade balance. In this context, "debt relief" is actually a misnomer, because it implies an altruistic transfer of resources with no return to the United States. In fact, debt relief stimulates trade.

Thus debt relief should be viewed as the recycling of resources that would have been used to service the intergovernment debt into funding trade between the private sectors of two economies. The latter is more dynamic and has a greater multiplier effect on employment, trade and growth. Debt relief creates or maintains jobs in the Caribbean and the United States. In addition, the resuscitation of economic growth in the Caribbean is imperative if these countries are to extricate themselves from the poverty that engulfs most of our citizens and threatens the social stability and peace in which democracy can flourish.

If the stranglehold of debt on development is not broken, it could expose those small countries to the risk of political instability and even the cancer of a drug culture.

Given the global operation of drug cartels, it is conceivable that this international scourge could subordinate the economies of these developing countries and destabilize their governments. The vulnerability of democracy in the Caribbean is evident in Haiti, in last year's attempted coup in Trinidad and Tobago, following the disastrous events in Grenada.

Bilateral debt owed to the United States represents a substantial share in the debt of some countries, especially the smaller economies of the Dominican Republic, Jamaica (where it's about 40 percent), Haiti, Guyana, Honduras and Costa Rica. Most became heavily indebted during the last decade.

The servicing of external debt has become the single most sustained impediment to

economic growth. The debt-service ratio—that is, the share of foreign exchange earnings from exports of goods and services required for debt repayment—is high. In Jamaica, for example, it is 30 percent, which means that a third of every dollar in foreign exchange earned is not available to the economy to purchase essential imports—most of which could come from the United States.

The cancellation of bilateral debt is neither new nor unprecedented. At the end of World War I, the Allies owed the United States more than \$12 billion. These debts were rescheduled, repayment periods were extended, principal sums were reduced or canceled, and the interest rate was reduced. Only \$2.6 billion was repaid between 1918 and 1931, less than a quarter of the original sum. And after World War II, the United States reduced Germany's debt by two-thirds and rescheduled the remaining debt over 35 years at 3 percent.

The United States cannot be an oasis of well-being in a sea of poverty. The debt crisis of Caribbean countries has adverse implications for both the United States and the Caribbean. Given the relatively small size of the debt and given that debt reduction for reconstruction and development is not unprecedented, the United States could afford bilateral debt relief as proposed by the Enterprise for the Americas Initiative.

MOTHERS AGAINST DRUNK DRIVING DADE COUNTY CHAPTER'S RED RIBBON CAMPAIGN

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, on November 13, the Dade County Chapter of Mothers Against Drunk Driving kicks off its red-ribbon campaign to draw attention to the most frequently committed crime in America—drunk driving. Mothers Against Drunk Driving, known as MADD, has had a major impact on reducing death on the highways of the United States.

The red ribbon campaign brings together with MADD, the Metro-Dade Police Department and Office of Substance Abuse Control to continue to focus public awareness on the problem of drunk driving. More than 45,000 people lose their lives each year on the highways of the United States due to automobile accidents, and approximately half of the accidents involve alcohol. More than 345,000 people in the United States are injured in alcohol-related automobile accidents each year. The terrible irony is that the death and suffering caused by drunk driving is so very preventable.

Nationwide, MADD, and other concerned organizations will distribute more than 90 million red ribbons across the country to create greater awareness about the dangers of combining drinking and driving. Mr. Speaker, I commend the leadership of the Dade County Chapter of Mothers Against Drunk Driving for working to make south Florida safe from drunk drivers. Dade County MADD has helped direct community frustration into a constructive campaign to stomp out this danger in our neighborhoods and highways. I want to recognize the leadership of: Susan Isenberg, Valerie Jameson,

Debbie Craig, Tom Jones, Mary Montero, and Mary Anri Jones for making possible the good work of the Dade County Chapter of MADD.

ALFRED J. BRYAN, JR., RETIRES AS HOSPITAL HEAD

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to congratulate and honor Mr. Alfred J. Bryan, Jr., for his many years of distinguished service as president and chief executive officer of North Arundel Hospital. Alfred is retiring from the North Arundel Hospital as of December 31, 1991.

Alfred holds the distinction of being the only chief executive officer North Arundel Hospital has ever had in its 26-year history. In 1962, Alfred came to North Arundel when the hospital was beginning its original construction.

During his tenure, North Arundel Hospital has gone through two major expansion programs and one is currently being completed. The current expansion program is a \$22 million project that added a three-story building to the hospital and renovated the existing facility.

Alfred's many years of commitment and dedication have been an invaluable service to the community. I speak on behalf of all of the hospital's patients and administrators, as well as the residents of Anne Arundel County, who are grateful to him for the work he has done.

Thank you Alfred for going beyond the call of duty for North Arundel Hospital, and for the people of Anne Arundel County. We all will miss you very much and wish you the very best for the future.

A BILL TO CUT MEDICAL BILLS: COMMENTS OF THE HONORABLE JAMES H. SCHEUER ON A NATIONAL HEALTH PLAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. RANGEL. Mr. Speaker, I would like to provide to my colleagues the opportunity to consider the well thought comments of our esteemed colleague JAMES SCHEUER on the need for a national health plan. If anything is clear from the recent election in Pennsylvania, it is that the people believe that reform of our health care financing system is an imperative. In this light I ask you to consider the following comments of our colleague:

A BILL TO CUT MEDICAL BILLS

(By James H. Scheuer)

In providing treatment, a physician follows an established and proven procedure, first analyzing symptoms, then diagnosing the illness and finally recommending treatment. This process can and should be applied to our critically ill health care system itself.

As a nation, we spend nearly \$700 billion a year on health care, over 12 percent of our gross national product. Other industrialized nations average less than 8 percent.

The cost can be measured not only in direct payments by government, employers, employees and the retired, but in expenses passed along in the prices we pay for products and services. Lee Iaccoca told me that \$700 of the cost of every new Chrysler car went to pay health insurance benefits for Chrysler employees.

Despite this staggering cost, 37 million people, about 13 percent of our population, are uncovered by health insurance; the elderly do not receive long-term care; 10 percent of our children do not have regular access to medical care of any kind, and no one is protected against the cost of catastrophic care.

The United States ranks 18th in life expectancy, 22nd in infant mortality and 26th in low birthweight—an indicator that a child will suffer illnesses throughout his or her life. In New York State, only 56 percent of preschoolers receive vaccinations on schedule, compared to 70 percent of Mexicans, 76 percent of El Salvadorans, 77 percent of Ugandans and 89 percent of Algerians.

These statistics make us look like a developing or impoverished nation, not one of the leading industrialized countries in the world. Our health care system is obviously and seriously ill.

The cause of the illness is an insurance system with 1,500 different companies and government agencies now receiving, reviewing and paying for health care. Add the cost of setting rates, classifying treatment, determining rules and going through other duplicate exercises, and we end up with a tremendous amount of money wasted in pushing paper, rather than treating patients. The General Accounting Office found \$67 billion a year is lost to administration. A recent article in the *New England Journal of Medicine* put the figure at \$132 billion.

The diagnosis is that our health care system is woefully wasteful, chaotic and cost-ineffective. But there is a cure, and it has already been fully tested. The required treatment is a national health care program administered through a single-payer system, by state or nation.

Canada has such a program and it is working, cutting costs and permitting expanded care for all legitimate health needs. When a Canadian visits a doctor, dentist, optician, pharmacy or hospital, he or she presents one and the same insurance card; all costs and payments are recorded, processed and paid by one agency.

The Canadian system of universal comprehensive care also is well accepted by the people. A Louis Harris survey found 56 percent of Canadians said their system worked "pretty well," while only 10 percent of Americans offered this rating for their own system. Eighty-nine percent felt our system needed fundamental changes or complete restructuring.

The best available prescription is a bill I and more than 50 of my House colleagues are co-sponsoring called the Universal Health Care Act of 1991, introduced by U.S. Rep. Martin Russo (D-Ill.). It would establish a public single-payer system, eliminating the wasteful practices of 1,500 agencies and insurance companies, and reallocating the savings where they should go—providing comprehensive health care for all Americans.

All of us know of someone who was ill, did not take or delayed appropriate treatment, and then succumbed to the disease. As a nation, we are recognizing the severity of the illness affecting our health care system, its toll in financial and personal terms, and how it is preventing us from affording adequate health care for all. Now we must give this system the life-saving treatment it needs.

FISCAL YEAR 1992 LABOR-HHS-EDUCATION APPROPRIATIONS

HON. CHARLES A. HAYES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. HAYES of Illinois. Mr. Speaker, today I take this opportunity to express my gratitude to Mr. NATCHER, chairman of the Appropriations Subcommittee on Labor-HHS-Education, as well as all of the members of the conference committee, for appropriating fiscal year 1992 moneys for the National Center for Research in Vocational Education that was in existence as of October 1, 1991.

Last year the Congress enacted the Carl D. Perkins vocational and applied technology education amendments (Perkins II) with moneys distributed to local school districts by formula. It is my hope that the National Center will create a network of urban high schools to prepare disadvantaged youth for middle-skill and high-skill jobs.

One of the gravest problems for inner-city youth is that they leave school ill-equipped to pursue the middle-skill, much less the higher-skill, jobs that pay wages high enough to give them or their families financial security. The National Center for Research in Vocational Education proposes to confront this reality directly by designing and creating a gradually expanding network of urban comprehensive high schools that:

Accept the economic futures of their students as a serious responsibility of the school; Define middle-skill and high-skill jobs as the only acceptable economic option for their students;

Restructure learning environments within the school to reflect what a century of thought, research, and trials has shown to be effective; and

Commit to making the organizational changes within the school, and between the school and other community institutions and groups that are required to create and maintain those environments.

Behind the words "integrating academic and vocational education" in Perkins II stands a powerful knowledge base about how individuals learn most effectively, and how they remain in the lifelong learning process. These principles are especially important for low-income youth enrolled in urban high schools. To implement these concepts requires a dramatic change in the way schools operate.

The National Center will establish a vocational-academic network linking teachers and administrators who already have had strong experience in integrating academic and vocational education, with teachers and administrators in urban schools who are interested in and committed to change. The purpose of this network is to establish a gradually expanding array of urban comprehensive high schools dedicated to becoming high performing schools by implementing the principles and practices of integrating academic and vocational education. Phase one of the project will entail the identification of exemplary practices and curriculum and identification of appropriate technical assistance activities. In phase two the project will be fully operational, and

eventually a national network of urban schools will be established, with four or five schools being added each year. Over time, the National Center envisions that the network will eventually include schools in all of the major cities in the United States.

Thank you, Mr. Speaker for allowing me to share my thoughts on this very important issue.

PEOPLE VISION OF SOUTH MIAMI BRINGS MANNEQUINS TO LIFE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize People Vision, an interactive technology South Miami firm which was recently featured in the *Miami Herald*. The article "Technology Yields Humanoid Hucksters," by Traci L. Dyer, tells how the firm has developed a mannequin-monitor called the SpokesMannequin which can protect property or pitch a product:

Future shock is coming to a shopping or business center near you, thanks to the interactive technology of a South Miami firm that makes talking mannequins to pitch a product or protect a property.

Among the inventory: An office security guard that can greet workers by name and warn of pending thunderstorms and models of movie stars.

Since March, People Vision of South Miami, 700 SW 59th Pl., has made a mannequin-monitor it calls the SpokesMannequin. Using a system called dimensional rear screen animation, the firm's three-dimensional humanoid talks, moves and is quickly bridging the gap between computers and technology.

"People are still afraid of computers but the mannequins are so real looking, people walk right up to them," said Bob Berkowitz, one of three partners at People Vision.

After a character video is made and loaded, a signal is fed to a projector behind the mannequin's head. "The face mold on the mannequin acts as a video screen and the mouth moves in sync with the voice. Until you see these things you can't believe it. They are so life-like," Berkowitz said.

Jeff Machtig, who invented the mannequins, formed a partnership with Berkowitz, owner of another South Miami company called MultiVision, and Richard Rockwell, president of Professional Security Bureau in New Jersey. The three manufacture the mannequins in Hollywood, and are selling them worldwide.

Clients include security business owners, museum exhibit builders, business owners who want to promote their products in malls, company presidents adding a new twist to the annual sales meetings and recruiters on college campuses.

"A company that regularly participates in job fairs was averaging 200 applications over an eight-hour period," said Wayne Sullivan, general manager of PeopleVision. "They added a SpokesMannequin and in one hour they received 500 applications."

Not all the company's clients buy the mannequins, which cost about \$20,000. Some opt to rent at a weekly rate of \$8,500.

A bath and kitchen designer in North Hollywood, Calif., bought a mannequin of Leslie

Pallotta, the 1990 Mrs. Florida, to promote his business. The mannequin gives a five-minute promotional tape for patrons of the Buenos Park Mall.

"It stops people in their tracks," said Robert Light, chief executive officer of Signature Bath and Kitchens.

"It's not a gimmick. Nowadays, it is a necessity to sell products; an innovative way to create the impulse purchase," Machtig said.

"Just think about all the jobs people don't appreciate. The jobs you pay someone just to stand there. You could have a mannequin do that," Berkowitz said.

I am happy to pay tribute to the three owners of PeopleVision, Bob Berkowitz, Jeff Machtig, and Richard Rockwell, by reprinting this article from the Miami Herald.

IN COMMEMORATION OF VETERANS DAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. LIPINSKI. Mr. Speaker, on this day, November 11, we pause here in this great deliberative body to honor the brave men and women, living and dead, who have fought to preserve our freedoms.

Throughout our history, sacrifices have been made by almost every generation of Americans to maintain our freedoms and way of life. Our veterans have come forward and defended the principles that we—as a nation—hold so dear. Veterans Day is a day to honor those veterans sacrificed in struggle; it is a day to respect those who survive.

I also would like to congratulate those involved in the Fourth Annual American Flag Run that began on October 27. This 1,000-mile run honored our veterans, the U.S. Armed Forces, and the American flag. Volunteers carried the flag by a series of relays through the States of Virginia, North Carolina, South Carolina, Georgia, and Alabama. The flag, donated by Congressman GLEN BROWDER of Alabama, was presented to the National Guard 900th Maintenance Group of Phenix City, AL, which served in Operations Desert Shield and Desert Storm.

We must look to the flag for the true meaning of our national heritage. Under our glorious flag, we are a nation which stands firmly behind our veterans and the members of our Armed Forces. We must continue to give them our support and praise for their difficult and often life-threatening work. If it were not for the veterans of this country, there would be no United States of America. There would be no free world. God bless them and their families.

JUSTICE FOR WARDS COVE WORKERS ACT

HON. JAMES A. McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. McDERMOTT. Mr. Speaker, we must resume our efforts to provide justice to 2,000

workers for whom justice was coldly denied in the civil rights bill passed last week.

Twenty-six of my colleagues and I have introduced H.R. 3748, the Justice for Wards Cove Workers Act. This legislation is very simple: It would strike section 402(b), the special interest provision in the civil rights bill that exempts the Wards Cove Packing Co. from this new law. Our bill would restore the spirit and meaning of civil rights to these workers, who have fought 17 years for justice and deserved better than they got from their Government. This is an unfair and unseemly exemption that applies to one company only in the entire United States, a company that has fought relentlessly to avoid a court case on the merits.

Frank Atonio, one of the plaintiffs in this case, is my constituent. Let me tell you a little bit about his long struggle. In 1974, he and other seasonal cannery workers at the Wards Cove Packing Co. in Alaska filed suit charging discrimination in hiring for skilled noncannery jobs. Three years before, in 1971, the Supreme Court had ruled in the landmark decision, Griggs versus Duke Power, that employment practices which had a "disparate impact" on minorities violated the Civil Rights Act of 1964 if an employer could not justify them in terms of business necessity.

When the Federal district court failed to apply the Griggs standard to most of Wards Cove's discriminatory practices, the Court of Appeals reversed the decision and ordered the District Court to require the company to justify them. Those practices included hiring for cannery and noncannery jobs through separate channels, while maintaining segregated housing and eating facilities at the canneries. If the company had shown adequate justification, the case would have been finished, and we would not be here today. But, instead of trying to justify its practices, the company appealed the case to the Supreme Court. The Supreme Court's 1989 ruling in favor of Wards Cove changed the standards for disparate-impact cases, and led to a national effort to restore our civil rights laws.

The Civil Rights Act of 1991 was intended to reverse that decision, and others that have restricted the ability of workers to fight against discrimination in the workplace. The act was meant to protect workers just like those at Wards Cove, and it does so. But a last-minute amendment, added to the Senate bill, excludes the very workers who brought this case and who have fought so long for justice. It protects the Wards Cove Packing Co. instead of the workers, and that is wrong.

There is no justification for this exemption. The lawyers for Wards Cove argue that they should be exempt because otherwise their case will be tried under a new legal standard. But the fact is, their case would be tried under the original Griggs standard that they have tried so hard and so long, and spent so much money, to evade. Their case would be tried under the standard that applied in 1974, when the case began, the standard that applies again in 1991 because of the Civil Rights Act. The lawyers for Wards Cove do not want this case tried under that standard, because they know what Justice Stevens said about conditions at the cannery—that they "bear an unsettling resemblance to aspects of a plantation economy."

Others will argue that exemption of this one case demonstrates congressional intent that the Civil Rights Act apply to other pending cases. We agree that it should apply to all pending cases, but that intent should not and need not be established by sacrificing the rights of 2,000 workers.

If we do not remove this exemption, the message we send to Frank Atonio and all workers throughout this country is that we believe in civil rights, but not if you work for a company that is rich enough and powerful enough to keep your case tied up for 17 years, to persuade Senators to give you special exemptions, to hire lobbyists and PR men to argue your cause here in Washington, DC.

Frank Atonio and his fellow workers have hoped and waited 17 years for justice. They heard a lot of excuses last week about why the U.S. Congress would not help them get it. But there are no more excuses now. We must enact the Justice for Wards Cove Workers Act, to show them that their faith in their Government and their country is not misplaced. We must do everything we can to right this egregious wrong.

H.R. 3748

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Justice for Wards Cove Workers Act".

SEC. 2. AMENDMENTS.

Section 402 of the Civil Rights Act of 1991 is amended—

(1) in subsection (a) by striking "(a) IN GENERAL.—", and

(2) by striking subsection (b).

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect on the effective date of the Civil Rights Act of 1991.

LIST OF COSPONSORS

Mrs. Mink, Mr. Mineta, Mr. Matsui, Mr. Abercrombie, Mr. Washington, Mr. Faleomavaega, Mr. Edwards of California, Ms. Pelosi, Mrs. Unsoeld, Mr. Atkins, Mr. AuCoin, Mr. Stark, Mrs. Schroeder, Mr. Traficant, Mr. Berman, Mr. Studds, Mr. Sanders, Mr. Torres, Mr. Levine of California, Mr. Miller of California, Mr. Dicks, Ms. Slaughter of New York, Mr. Kopetski, Mr. Moody, Mr. Swift, Mr. Wheat, Mr. Towns, and Mr. Synar.

TEXT OF SECTION 402(b), CIVIL RIGHTS ACT OF 1991

(Would be repealed by H.R. 3748)

Notwithstanding any other provision of this Act, nothing in this Act shall apply to any disparate impact case for which a complaint was filed before March 1, 1975, and for which an initial decision was rendered after October 30, 1983.

MIAMI BOOK FAIR INTERNATIONAL CELEBRATES 1991 AS THE YEAR OF THE LIFETIME READER

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the Miami Book Fair

International which will be holding its eighth annual fair on November 10 through 17. The main theme of this year's fair will be celebrating 1991 as the year of the lifetime reader. The fair, which attracts 500,000 visitors from all over the world, has been described as Miami's "most important cultural event" by the Miami Herald.

A major feature of the fair is the congress of authors, which features over 175 authors who will read from and discuss their works. Among the authors who will be present at this year's book fair are: Muhammad Ali, humorist Dave Barry, novelist E.L. Doctorow, Miami Herald columnist Carl Hlassen, Joe McGinnis, political cartoonist Jim Morin, and novelist Roxanne Pulitzer.

Each year, more than 300 national and international book publishers bring a wide variety of books to exhibit at the fair. Representatives from the major publishing houses in the United States, as well as publishers from Argentina, Brazil, Canada, Colombia, France, India, Israel, Japan, Mexico, the Soviet Union, the United Kingdom, and Venezuela display books from all over the world.

The fair also features a number of other special attractions. The International Program presents prominent authors from Latin America and Spain who give presentations in Spanish to a multicultural audience. The Antiquarian Annex permits book collectors to browse through rare first editions, out-of-print books, scholarly editions, and collectibles. Epicure Row features famous chefs who prepare their favorite recipes and discuss their cookbooks. Children's Alley offers exhibitions, workshops, storytelling, puppet shows, and children's theater.

The final 3 days of the fair combine these many elements in the celebration of books and readers in a street fair. This takes place at the Wolfson Campus of Miami-Dade Community College and surrounding streets in downtown Miami.

I would like to take this opportunity to salute the board of directors, the staff, and many volunteers of Miami Book Fair International who make this outstanding cultural event possible each year. They include honorary chairman Dr. Eduardo J. Padron, chairman Craig A. Pollock, cochairman Mitchell Kaplan, secretary Barbara E. Skigen, treasurer Juanita Johnson, Patricia Allen, Espe Avalos, Leonore G. Block, Mae D. Bryant, Mikki Canton, Elizabeth Habbegger Beach, Frank Lopez, Valorie Schifflinger, Eugenia B. Thomas, executive director Alina Interian, and administrative assistant Anabel Farinas-Pelaez.

HONORING RIO HONDO COMMUNITY COLLEGE ON THE OCCASION OF ITS 30TH ANNIVERSARY, 1960-90

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. TORRES. Mr. Speaker, I rise today to give special recognition to Rio Hondo Community College of Whittier, CA, on the occasion of its 30th anniversary celebration on November 15, 1991.

In 1960, a motion was passed by the local school board to form a community college and in 1962 the first board of trustees was elected. In 1963, under the direction of the first superintendent-president, Dr. Phil Putnam, classes began on the premises of Sierra and El Rancho High Schools. In 1966, classes opened in Whittier on the permanent campus site—the former Pellisier Ranch—with 97 faculty members and 5,000 students. Today, the college is home to over 200 full-time faculty members and 15,000 students.

The name "Rio Hondo," meaning "Deep River," identifies the college with the area around the Rio Hondo River in the southeast Los Angeles County. The college district encompasses a 65.5-square-mile area which includes the cities of Whittier, Pico Rivera, Santa Fe Springs, South El Monte and portions of Norwalk, La Mirada, Downey, La Puente and the city of Industry.

The college offers 2-year degree programs, transfer education, career preparation, basic skills education, and continuing education. It is one of the most comprehensive institutions among California community colleges. Further, Rio Hondo College enjoys a special partnership with the business community, industry and government and provides a window of economic opportunity for all, making it an important asset to the local economy.

In keeping with its distinction as an innovative leading force, under the direction of Dr. Alex Sanchez, Rio Hondo's current superintendent-president, the college continues to bridge the gap between the local elementary and high schools in the area. The college has fostered excellent quality of instruction at all levels of education. It has been a creative and vital resource for community services, which include cultural programs, educational and career counseling and special events for families.

Mr. Speaker, it is with honor and pride that I rise to recognize Rio Hondo Community College on its 30th anniversary. I ask my colleagues in the House of Representatives to join me in extending best wishes and congratulations to this distinguished institution of higher learning.

AXIOS WOMAN OF THE YEAR

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. LOWERY of California. Mr. Speaker, I rise today to congratulate a constituent of mine, Prof. Marianne McDonald, who has been named "Woman of the Year" by the Greek-American charitable organization AXIOS, and will receive their "Diogenes Award." Past honorees have included Archbishop Lakovos, Senator PAUL SARBANES, John Brademas, Mayor George Christopher, and Alex Spanos. Dr. McDonald is doubly honored as the first woman and the first non-Greek to receive this award.

A well-known philanthropist and philhellene, Dr. McDonald is being honored for her contributions to society and her efforts in preserving and advancing the Hellenic culture and tra-

ditions. AXIOS is an organization of Greek-American leaders based in southern California. Among its objectives are encouraging good government and quality leadership and promoting and preserving the Hellenic cultural heritage.

Professor McDonald did her undergraduate work at Bryn Mawr College and received an M.A. in classics from the University of Chicago and a Ph.D. in classics from the University of California at Irvine. While at Irvine, she began a research project to computerize all the Greek texts of antiquity called *Thesaurus Linguae Graecae*. The project is now being expanded to include Byzantium and modern times. Dr. McDonald was awarded a medal this year for this project by the mayor of Athens and the mayor of Piraeus in Greece.

She has been called the greatest philhellene since Lord Byron, because Greece and Hellenism have always been her special love. She is president of the Society for the Preservation of the Greek Heritage, vice president of the American College of Greece, and on the board of the American School of Classical Studies. Dr. McDonald travels to Greece often, lecturing either in Athens, or at the yearly festival on ancient Greek drama at Delphi. She is an author who has written several books on Greek tragedy including "Ancient Sun Modern Light: Greek Drama on the Modern Stage," just out this fall.

As a linguist, Professor McDonald has not limited herself to Greek, she speaks eight languages and often lectures in those languages worldwide, at Cambridge in England, the Sorbonne in France, in Germany, Spain, and Japan. She has translated a book from the Japanese by Hoshi Shinichi called "The Cost of Kindness and Other Fabulous Tales," and presently is spearheading a project in Ireland with the Royal Irish Academy called *Thesaurus Linguae Hibernae* to computerize old Gaelic texts using the *Thesaurus Linguae Graecae* as a model.

Presently, Dr. McDonald is an adjunct professor at the University of California at San Diego in the department of theatre, and her specialty is the modern performance of ancient Greek drama. At home in San Diego, she has initiated and worked with many charitable and educational projects throughout her life, including the McDonald Center for Alcohol and Substance Abuse at Scripps Memorial Hospital.

This scholar and philanthropist is also the mother of six children—one deceased—and has three grandchildren. She plays the Irish harp, is a trophy winning skier and has a black belt in karate.

According to AXIOS, this woman for the world shares Euripides' philosophy as expressed at the end of Euripides' *Heracles* when Heracles said, "He who prefers power and wealth to good friends thinks badly." Friendship and philia, the root of philanthropy, is the act of concern for others which she believes is being constituent to happiness.

I hope my colleagues will join me in congratulating Dr. Marianne McDonald for her astounding level of accomplishments, and in saluting her as AXIOS' Woman of the Year.

THE FDA PUBLIC FORUM ON
BREAST IMPLANTS

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. TAYLOR. Mr. Speaker, the Food and Drug Administration has recently decided to investigate the safety and effectiveness of breast implants. I submitted the following statement at the recent FDA public forum held on November 12-14.

DEAR DR. KESSLER AND PANEL MEMBERS: I am Congressman Charles Taylor, Representative of the 11th District in North Carolina. I appreciate the opportunity to speak on behalf of the many women in my district who will be adversely affected if the FDA moves to ban silicone breast implants.

The fact that the FDA is holding a forum on breast implants and may remove them from the market is of great concern to a number of women in my district, many of whom have contacted me to voice their apprehensions. It was very difficult for some to share their experiences, but their strong opposition to the FDA's actions prompted them to speak out.

The message I wish to convey to you on their behalf is very simple: Silicone breast implants should not be banned from the market.

It is estimated that two million women have had breast implants. Because the FDA did not regulate medical devices until 1976, breast implants were "grandfathered," meaning that they were not required to prove their safety and effectiveness to the FDA.

Although there are known side effects from receiving these implants, they generally result in discomfort to the patient and are not life-threatening. It is not unusual for some to reject these implants; in fact, it would be more unusual if there were a 100 percent success rate for this surgery.

If the FDA wishes to conduct a study on the suspected risks of silicone breast implants, I support such a move. However, I do not feel that these products must be removed from the market while a review is being conducted. I am also concerned that the FDA has apparently taken a negative position on those companies which have submitted information on the safety and effectiveness of their implants.

I agree that better information should be made available for potential patients. If women are to make an informed decision about implants, they must be aware of all the risks involved in the breast implantation. However, I feel that removing these products from the market immediately leaves many women at risk.

I have two specific concerns about the proposed removal of breast implants. First, women who have undergone silicone breast implant surgery may desire or require replacements in the future and would be unable to get them. In addition, it is unclear whether this procedure would continue to be covered by their health insurance.

I feel that removing these breast implants from the market would have a negative impact on their prospects of recovery as well as their feelings of well-being. Many of the women in my district have told me that these implants are psychologically important for many women. By undergoing implant surgery, they felt more self-confident

and were better equipped mentally to handle their cancer treatments.

Again, I support the need for providing full, accurate information on breast implants to prospective patients. However, with no evidence of any life-threatening effects from breast-implant procedures, I cannot understand the move to make these products unavailable.

Thank you for your time and consideration.

CAMPAIGN FINANCE REFORM BILL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. WALSH. Mr. Speaker, it is with sadness I note this House will now have the Democrat leadership bill dealing with campaign finance reform brought before us. As a member of the bipartisan task force on campaign reform, I find this to be an affront to the entire process of open government.

Recently the chairman of the task force brought forth his plan on this subject. This proposal did not reflect my views or those of the minority on the committee. In fact, much of the language in the bill ran contrary to the months of hearings we held across this country.

Everywhere the committee went, one theme sounded like a drumbeat—the American public strongly opposes the use of its tax dollars, better known as public financing, for political campaigns. To therefore introduce legislation including such a provision could only be described as political arrogance. The leadership also ignores the wish of the people to drastically reduce, if not entirely eliminate, the use of political action committees [PAC's]. There is no attempt to limit the use of so-called leadership PAC's used extensively by the majority to intervene in House elections. They are still talking about spending \$500,000 in the general election alone for a House seat, with up to \$600,000 allowed with a contested primary.

It is no wonder the American public remains disgusted with the workings of Congress. The House leadership establishes a task force on campaign reform and the liberal Democrat caucus writes the bill to be considered. What a waste of time and money. This is an example of why people have no faith in this institution. We are sent out to hold hearings and listen to the people, only to have the House Democrats totally ignore what they say to us. It is the classic example of the "we know best" syndrome. Well, I'd like to assure the leadership you don't. The public wants shorter campaigns with less money spent. I proposed a very simple but workable bill many months ago to solve the problem. Obviously the leadership rejected the measure because it was so simple and workable they feared the positive reaction of the public should it become known.

Imagine limiting any contribution to no more than \$200 per person and requiring that individual to live in the congressional district involved. A PAC could contribute \$200, but only if it was domiciled in the contested district. No leadership PAC's allowed, forcing candidates to rely on the people they hope to represent for their funds. This idea creates havoc in the

minds of the long-term incumbent Members of Congress. They would have to go back on the campaign trail and work hard to get elected. It would mean knocking on doors and going to shopping centers to talk about issues with the voters. Less media-related and more people-intensified campaigns. Horror to those who fear having to go before the public to get elected. Time for open debates between the candidates would become a requirement, but of course those in power fear such thoughts. Their motto is let's leave things the way they are because we control the Congress. Translated, it really means we don't care what the people want—we will do it our way.

The House of Representatives had the perfect opportunity to remedy a serious illness; namely, campaign reform. The institution failed miserably, and those who are left holding the bag are the people we represent. They asked for campaign reform, but received only more politics as usual. What a disgrace.

DEANNA ALBURY-DECARIO, FLORIDA'S ROOKIE TEACHER OF THE YEAR

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize Deanna Albury-DeCario who was recently featured in the Miami Herald after being selected as Florida's Rookie Teacher of the Year by the State Council for Exceptional Children. The article "School Is Right Place, Right Time for Rookie," by Jon O'Neill, tells about her success as a teacher of emotionally disabled kids in kindergarten through second grade at Miami's Gloria Floyd Elementary School:

There were times when Deanna Albury-DeCario wasn't sure she would survive her first year as a teacher—let alone get an award for it.

But she did both. Last Saturday, Albury-DeCario was selected as Florida's Rookie Teacher of the Year by the state Council for Exceptional Children. Albury-DeCario, 23, teaches emotionally disabled kids in kindergarten through second grade at Gloria Floyd Elementary.

"I was so happy," she said. "A lot of teachers work for years to get recognized, and for me it happened in the first year. It's really an honor."

Albury-DeCario started teaching in August 1990 at Rockway Middle School, which had just started a class for emotionally disabled students. Put simply, she recalled, it was a nightmare.

"I had fires in my class, I was threatened and pushed down," Albury-DeCario said. "Some of the kids were bigger than I was. It was too much stress."

She ended up in the hospital with severe stomach pains, an illness diagnosed as stress-related.

"At first I thought it was appendicitis," she said. "It's strange when you know something is psychosomatic, but the pain is still very real."

At mid-year, Albury-DeCario transferred to Gloria Floyd. As soon as she walked into her new class, she felt right at home.

"I just knew this was it, the right place for me," she said. "I felt so lucky I got to start over."

Albury-DeCarlo has a special rapport with her class of 12 kids. They seem to hang on her every word.

"She's nice and she's pretty," said Chris Callan, 8. "She even took us to the circus." "I love working with them, they're just great people," Albury-DeCarlo said. "They need special attention and that's what I try to give them. I gain their trust and find what works for each of them, because they don't all learn the same way."

She goes even further, said Andrea Rosenblatt, principal of the school at 12650 SW 109th Ave.

"She's an advocate for her students. She always makes sure they have what they need," said Rosenblatt, who taught Albury-DeCarlo in the sixth grade at Winston Park Elementary. "She also involves the parents and the other faculty in what she's doing. She's wonderful because she really cares."

I am happy to pay tribute to Deanna Albury-DeCarlo by reprinting this article from the Miami Herald. She has set an example for others through her dedication and perseverance.

VETERANS DAY

HON. MICHAEL A. ANDREWS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. ANDREWS of Texas. Mr. Speaker, yesterday, I spoke at the National Cemetery in Houston to commemorate Veterans Day. That cemetery is a special place—special because of those Americans who are buried there—many who gave their lives for our country's freedom. Veterans Day is a day to celebrate their sacrifice and to celebrate the resulting peace of their sacrifice.

In September 1862, great armies of Union and Confederate troops converged on a small town in Maryland called Sharpsburg and in 1 day, along the banks of Antietam Creek, over 17,000 Americans were killed—the bloodiest day in American history. Within minutes, regiments lost half their numbers fighting over a cornfield. Men and boys from Ohio and New York struck at young men from Virginia and Texas. One participant said after the battle that the cornfield could be walked across without touching the ground because of the bodies that so thoroughly covered it.

But the dead did not die for a few feet of farmland. They died that their great country might move forward, a nation of free people. Because of that conflict and those that have followed, our freedom today is not in peril. In truth, we have never had more freedom to speak out, to read what we choose, to worship as we please, to make choices in our lives. That is also what we celebrated yesterday.

Heroes are important to a nation and we have many, living and dead. Those who fought at Antietam or San Juan Hill, at Iwo Jima or Pork Chop Hill, in Vietnam or in the Persian Gulf—we celebrate on Veterans Day not only what they have contributed to our security but what they mean to our future.

We face today great challenges and opportunities at home and abroad. Never have world events changed so rapidly without a great war. History books are being rewritten—

here, in the Soviet Union, throughout the entire world—all of us trying to comprehend what these great windshifts of history mean to us. It is an exciting and proud time to be an American.

Decisions we make as a nation in this decade will have an impact on our country's security well into the next century. While we are hopeful that our military challenges and tasks are behind us, we have proven that, if necessary, America will use its strength. Yet we still face other difficult choices on a variety of hard issues, hoping to continue the legacy won by those who have fought for our Nation—guaranteeing a better life, a better standard of living, a more prosperous, and free society for the next generation.

We face the challenge of providing health care to the 37 million uninsured Americans, of seeing that our children are educated properly and affordably, of ensuring the safety of our neighborhoods. These are the challenges we face today—no less serious or difficult than those faced by the men and women buried here. And so as we reflect upon the past, let us also think about our future.

On another cold November day in 1863, Abraham Lincoln traveled by train from Washington to Gettysburg to dedicate a cemetery. He noted that he had come to dedicate that field "as a final resting place for those who here gave their lives that that nation might live." The rest of Lincoln's words still ring true. He said: "But in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow—this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract."

And so it was for us yesterday throughout this great Nation to rededicate ourselves to ensuring our country's blessings for future generations. Because of men and women, like those buried at Houston's National Cemetery, who fought so bravely for our Nation, I am optimistic that our generation will meet these challenges and live up to our responsibilities.

TRIBUTE TO TERRI THOMSON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. ACKERMAN. Mr. Speaker, I wish to pay tribute to a woman who I consider to be a life-long friend and associate who is being honored tomorrow by the Flushing Council on Culture and the Arts.

Terri Thomson began her illustrious career as a community activist in Electchester, Queens. She became an integral part of my legislative staff when I served as a New York State senator. In 1983, when I was elected to the House of Representatives, Ms. Thomson became my district administrator. She served in this capacity with a rare combination of administrative capability and sensitivity to the needs and concerns of my constituents.

As a result of her broad and successful experience in working with the people of Queens, she moved on to the position of vice president and Queens director of government

and community affairs for Citibank. Her unique talents have brought her into the mainstream of public service where she currently is a board member of the Queens Symphony Orchestra, Queens Overall Economic Corp., the Greater Jamaica Development Corp., the Queens Chamber of Commerce, the Queens Library Foundation, the Flushing Council on Culture and the Arts, and the Long Island City Business Development Corp. and Outreach project.

On a personal note, Terri was and is among my closest of friends, confidants, advisers and sounding boards. She is presently working on getting her degree from my alma mater, Queens College. She volunteers regularly at the homeless shelter and at the shelter for battered spouses, and is an active member of St. Nicholas of Tolentine Roman Catholic Church.

And to balance all this out, Terri is the wife of my friend, Eddie Thomson, and the mother of Trisha and Maryellen.

Queens County has deeply benefited from her involvement and dedication. It is, therefore, most fitting she be honored by the Flushing Council on Culture and the Arts as a recipient of the "Eighth Annual COCA Award."

As one who considers her a dear friend, I wish her congratulations and continued success for all she has and will achieve.

TRIBUTE TO THE SOUTH COBB HIGH SCHOOL SHOW CHOIR, ELECTRICITY

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. DARDEN. Mr. Speaker, today I rise to recognize a talented group of young people from Cobb County who will make all Georgians proud at the 1992 "Musical Salute to the Discovery of America" event here in Washington, DC, next year.

The South Cobb High School Show Choir, Electricity, from Cobb County, GA, has been selected to represent the State at this program to commemorate the 500th anniversary of the discovery of America. Electricity is under the direction of Ms. Virginia Wheeler, and was selected by the First American Music Encounters [FAME] on the basis of superior performance ratings, recommendations from judges and peers, and past competition results. Only choirs in the top 10 percent in the State are considered for an invitation. The invitation was extended to Electricity by Washington, DC, Mayor Sharon Pratt Dixon.

Electricity is a select ensemble of vocalists and dancers specializing in choreographed production of contemporary music. Electricity members are: Patricia Baker, Julie Barton, Aimee Bolstein, Chrissy Bolstein, Sean Byers, Amy Cofer, Michelle Davis, Chris Dodd, Maia Fountain, Scott Grantham, Lindsey Green, Joy Griffith, Kellie Jenkins, Randy Jones, Kelly Meacham, Amy Tardo, and Cristin Thomason.

The ensemble has been described by Connie Cunningham, staff writer for the Atlanta Journal-Constitution, "to have all the sparkle and shine of a theme-park show and

the enthusiasm of hot young talent." The shows are written by Ms. Wheeler, and choreographed by Lisa McCormick, coordinator of dance for Roswell Parks and Recreation Department, and Jodi Rhodes, performer at Six Flags Over Georgia.

The group has performed for art festivals and conventions including Kaleidoscope, the Jubilee Fine Arts Festival, the North Georgia Fair, Cobb Leadership Conference, the Atlanta Insurance Woman's International Convention, the Georgia Music Educators In-Service Conference, the Marble House Summer Candlelite Concert, Georgia Medical Convention, National Catholic Women's Convention, Cobb County Teacher of the Year Banquet, American Business Women's Convention, and at local school, church, and civic events.

The ensemble has won first place in the following national competitions: The Heritage Music Festival, Florida Music Fantasy, Manhattan Skyline Choral Festival.

The dancers have won first place in the Regency Talent Competition, the Regional and National Showstoppers Dance Competitions. Individual dancers have won the following national competitions: Gregory Hines Tap Competition, Rising Star, Tremain, Dance Educators of America and Star Systems.

Individual vocalists have won the Kiwanis Talent Showcase, National Teen Talent Competition, National Outstanding Young American Award, and the Georgia Music Teachers Association. They all have been selected to the Georgia All-State Choruses, finalists of the world chorus for the Olympics and appeared as soloists in the Rich's/Arrive Alive/Classic Images Video Yearbook "Sing-Off."

Mr. Speaker, I commend these young people on this outstanding achievement. This honor is a reflection of the hard work and sincere dedication on behalf of each of these talented youngsters, their teachers, and parents. Through Electricity, they have learned the meaning of success, and I have no doubt that this experience will help them throughout their lives.

I would like to invite my colleagues to attend the Musical Salute to the Discovery of America event in May and watch Georgia's best high school show choir in action—Electricity.

BAPTIST HOSPITAL OF MIAMI'S 12TH ANNUAL ARTISTS' SHOWCASE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Ms. ROS-LEHTINEN. Mr. Speaker, I am pleased to recognize the Baptist Hospital of Miami's 12th Annual Artists' Showcase. It is sponsored by the Baptist Hospital of Miami Foundation, a volunteer group which acts in the interests of the hospital. The intent of the showcase is to raise money for hospital programs by receiving a portion of the proceeds from each piece of art sold.

This exhibition shows the works of over 135 select artists from across the country, and is expected to draw over 30,000 people over the 2-day show on November 30 and December 1. The artwork represented will include oil

painting, ceramics, photography, jewelry, watercolor, mixed media, and sculpture.

The work of these volunteers is going to help Baptist Hospital of Miami, a hospital with a history of commitment to the community it serves. The high quality of care Baptist Hospital provides for its clients has been recognized numerous times within the Miami community.

Mr. Speaker, I would like to commend Pat Marx, the chairman of the Patron Purchase Certificate Committee, the committee which supervises fundraising for the showcase, and coworkers Frances Glick, Sue Jaffee, Cindy Lewin, Maria Morales-Gonzalez, Shelly Stamler, and Glenda Weiss for their hard work. Once again, I am glad to acknowledge the work of the Baptist Hospital of Miami Foundation and its efforts to charitably raise funds for the hospital through the Artists' Showcase. I wish the Baptist Hospital Artists' Showcase much success in its 12th year of fundraising activities.

TRIBUTE TO BRIAN GEISER

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to an outstanding young man, Brian Geiser, of Sunbury, PA, on attaining the rank of Eagle Scout. Brian, the son of Janet and Patric Geiser, has been involved with scouting for several years as part of Troop 333 in Sunbury.

To earn the honor of being an Eagle Scout, Brian organized an American Red Cross blood drive in Sunbury. Brian and several members of his troop mailed letters to former blood donors and called them to urge participation in the blood drive. They also placed pamphlets on car windows to alert the local populace about this important event. Brian and his group helped set up the drive, showed donors the appropriate places to go, assisted them from the tables after they had donated blood, and helped pack up the equipment and clean-up afterwards. I know that the Red Cross and the local community are grateful to Brian for his work in making this blood drive a success, because events like this one helps save lives.

I am also very gratified to hear of Brian's priorities for the future, as he has stated that his purpose in life is to improve life for future generations. He has acknowledged the importance of recycling our garbage, of obtaining a good education and getting a job, stating that he should "not depend on society to take care of me. I have many hopes and dreams and know that the knowledge and experiences I have gained in scouting will help me attain them all." To hear such wisdom at such a young age is, indeed, refreshing.

Mr. Speaker, I ask all of my colleagues to join me in congratulating Brian Geiser on becoming an Eagle Scout. I know that his family, friends, and fellow scouts are all very proud of his accomplishments and know that he will be a success in whatever he does.

SUPPORT FOR SELF- DETERMINATION IN CROATIA

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. SENSENBRENNER. Mr. Speaker, a war of territorial conquest is being waged in Europe and self-determination for the country of Croatia lies in the balance. Serbia fights to revise international boundaries in order to accommodate the Serbian minority in Croatia, based on concerns over the treatment of Serbians under a Croatian majority. Croatia fights to legitimize its free democratic elections which ushered in a non-Communist government last year.

The 2 percent of Yugoslavia's Serbian population living in the contested areas of Croatia must be guaranteed equal rights and protection under the law, as must all minorities. However, Serbia's anxieties cannot justify the violence inflicted in its war against Croatian independence. Croatia's secession from Yugoslavia is intractable, leaving no end in sight to the bloodshed should Serbia continue its aggression. It is time for the United Nations to enforce a cease-fire and for the Yugoslav Federal Forces to return to the barracks. The United States should send a clear gesture in support of U.N. participation and enforcement of a cease-fire.

I support self-determination for Croatia because it is consistent with democratic ideals. Expectations of a settlement that falls short of Croatia's desire for complete autonomy would be impossible without the militarily imposed submission of the Croatian people to authoritarian rule. The institution available to enforce an end to the fighting and arbitrate the status of the various minority groups in Croatia is the United Nations. The unconscionable alternative is a protracted war in the heart of Europe, emerging in the wake of communism's demise and the promise of renewed European prosperity. The community of democratic nations has an obligation to prevent the historical animosities between Croats and Serbs from translating into human rights abuses. We should also be pragmatic enough to recognize the futility of efforts to reverse the movement toward self-determination in Croatia and elsewhere in Eastern Europe and the Soviet Union.

EVERY DAY SHOULD BE VETERANS DAY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. HOYER. Mr. Speaker, today, I rise to pay tribute to our Nation's veterans. On Monday, November 11, our country honored the millions of American men and women who risked their lives to protect the ideals of democracy and freedom.

The past year has been an extraordinary tribute to the sacrifices made by all of our veterans. Europe for which our veterans fought

so hard in World War I and World War II has not only enjoyed almost 50 years of peace, but is well on its way to establishing a common economic market: a move to further unify its diverse interests. Everyone is familiar with the economic success of South Korea, and this year even North Korea has begun to open up to their successful sister to the south. Also during the last year, Indonesia has been slowly turning its back on the Communist institutions which have bled its economy dry, and sapped the energy and creativity out of its citizenry. And finally, in the Middle East, our newest veterans have neutralized a threat to the sovereignty of many independent nations.

We should not only recognize these incredible accomplishments on Veterans Day, but on every day. If our forces had not succeeded overseas, Europe, Indonesia, and the Middle East would be very different places than they are today. America, itself, would likely have been threatened and irrevocably changed had the threats overseas not been stopped or contained.

Even though the parades and the celebrations have passed, let's remember why we set aside a day to honor our veterans. And let's remember they deserve our respect and gratitude every day of the year we enjoy the freedoms that our country has to give.

IN HONOR OF VETERANS DAY, 1991

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. COLEMAN of Texas. Mr. Speaker, November 11 was originally the day commemorating the 1918 armistice that ended World War I. In 1954, however, this body saw fit to honor all the men and women who served the United States in its many conflicts. This year, 1991, is doubly important to the men and women of the U.S. armed services, and all citizens of our Nation, because it marks the 50th anniversary of the attack on Pearl Harbor and recognizes those Americans who served in the Persian Gulf.

The original Armistice Day celebrated the signing of the armistice between the Allies and the Central Powers at the 11th hour of the 11th day of the 11th month. The first commemorative ceremony was held 70 years ago when an American soldier was buried in the Arlington National Cemetery at the same time as a British soldier was buried in Westminster Abbey and a French soldier was buried at the Arc de Triomphe. In 1938, the holiday was dedicated to the soldiers who fought in "the War to end all wars." However, the United States has participated in other conflicts, and today we remember the men and women who took part in those.

Shortly after the holiday was officially created by Congress, Pearl Harbor was attacked and World War II began. Since that time, the citizens of the United States have assembled to honor all of our war veterans on November 11.

This year many communities are gathering to honor the veterans of our most recent conflict in the Middle East. The timing could not

be more appropriate; last week the final oil fire in Kuwait was put out. As this flame was extinguished, we know that one flame that will never go out is the support of the United States and the spirit of the men and women who have chosen to serve their Nation.

Today, as Americans pay their respects to the men and women of the U.S. Armed Forces, just as they have done every year since 1921, we remember those who have given their lives for freedom and democracy throughout the globe.

BANKING BILL AUTHORIZES UNLIMITED TAXPAYER BAILOUT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. KANJORSKI. Mr. Speaker, as currently drafted the latest version of the banking bill (H.R. 2094) authorizes an unlimited taxpayer bailout of too-big-to-fail banks.

This bailout, which is hidden in section 142(b)(2) on pages 92 and 93, could cost taxpayers tens of billions of dollars.

It authorizes the Secretary of the Treasury, in consultation with the Federal Reserve, to make advances to undercapitalized banks whenever there might be a "severe adverse effect" on "a regional or the national economy." Despite the fact that this loophole could cost us tens of billions of dollars, the bill does not define either "severe adverse effect" or "a regional economy."

The bill explicitly states that these advances will be "obligations of the U.S. Government." As a result, when too-big-to-fail banks fail, U.S. taxpayers, not the FDIC fund or the banks, will pay the tab.

Members should be aware that many of the largest money center banks have tens of billions of dollars in uninsured and foreign deposits. Even though the Federal Government has no legal or moral obligation to bailout those deposits, section 142(b)(2) authorizes the Treasury to bail them out.

If this section of the bill is not changed, as I have asked the Rules Committee to allow me to do, unelected bureaucrats could, in one fell swoop, spend more money to bail out uninsured and foreign deposits than either the Commerce Department, the Energy Department, the Interior Department, the Justice Department, the State Department, the EPA, NASA, or the entire legislative or judicial branches spend in an entire year.

This blank check approach is irresponsible and must be opposed.

TRIBUTE TO BILLY CARMICHAEL

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. TALLON. Mr. Speaker, on Sunday, November 10, I had the honor of taking part in a ceremony in my hometown of Dillon, SC, dedicating our fire station and unveiling a por-

trait in memory of a legend in that town, Billy Carmichael.

I would probably be underestimating Billy's contributions to Dillon by calling him a legend, though. He personified Dillon. Growing up, I couldn't imagine how this town would survive without Billy at the helm. He was elected mayor of Dillon in 1963 and held that office until his death last September. As a matter of fact, town lore has it that Billy served as mayor longer than anyone else has served any city in this country.

As mayor, Billy was involved in every facet of life in Dillon. Aside from the expected contributions that a responsible public servant would make to his community, Billy made his job as mayor his life—from his involvement in local restoration projects to philanthropic activities to economic development initiatives. Throughout his many years of public service, he was personally involved in the lives of the people in the community—their problems were his problems—and he made it his first priority to make certain that everyone was taken care of.

I hate to believe that the day of public servants like Billy Carmichael may be a thing of the past, but I think generations to come will be hard pressed to find a public servant who would give so unselfishly for so many years to make his community a better place to live.

Throughout my childhood and growing up years, Billy gave me insight and inspiration along my road to public service. I grew up admiring and respecting this man who so ably led my hometown for 27 years. He and his wife, Virginia, were two of my first supporters when I threw my hat in the ring to run for public office more than 10 years ago. Their support meant the world to me then, and his encouragement and wisdom guide me still today.

On Sunday, we celebrated the dedication of our town fire station in Billy's memory. Celebrating an event such as this is a very joyous occasion, but this is doubly gratifying because we are saluting someone as well as something. This dedication to this fine man is our way of saying thanks to Billy for a job well done. From now on, every time any of us walk by that building, we'll think fondly of this generous and giving man to whom it is dedicated.

A CONGRESSIONAL SALUTE TO JACK DAMERON—1991 DISTINGUISHED CITIZEN AWARD

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. ANDERSON. Mr. Speaker, I rise today to pay tribute to a man who embodies the American dream, Mr. Jack Dameron. On Thursday, November 7, 1991, Mr. Dameron will be the recipient of the 1991 Distinguished Citizen Award from the Long Beach Area Council, Boy Scouts of America. This award is presented each year to an individual who has contributed significantly to the betterment of the Greater Long Beach Community and its youth. It is an honor to bring Mr. Jack Dameron to your attention.

Born on January 18, 1917, near Pueblo, CO, Jack spent his childhood attending small

one room schools and working on his family's farm. After graduation from Centennial High School in Pueblo, he was drafted into the U.S. Army in the country's first draft. Following his discharge, Jack moved to Venice, CA, in 1941, where he began his career working for Mir-O-Col Alloy Co. His hard work and engineering skills quickly paid off, when 4 short years later he left Mir-O-Col to form Dameron Metal Sales, which was the forerunner of the current Dameron Alloy Foundries. His strong business sense and expertise are in evidence today. Dameron Alloy Foundries employs 185 people and it is recognized as one of the premier casting companies in the world.

Jack's touch can be felt in a broad spectrum of community organizations as well. He has served on the Long Beach City College Foundation, advisory board of the Long Beach State Engineering Department, St. Mary's Board of Trustees, Memorial Medical Center and Foundation, and is a Paul Harris "Fellow" in Rotary. In addition, he is on the advisory board of the Long Beach Day Nursery, the California Heights United Methodist Church board of trustees, board of directors of Virginia Country Club, and the Boys and Girls Clubs of Long Beach.

Jack has been president of the California Cast Metals Association and was honored with the "Tetzlaff Award" for outstanding achievement and service to the cast metals industry. For over 45 years, he has been a member of the American Foundry Society and a member of the Elks for over 53 years. Jack was also the recipient of a Presidential Citation for serving 10 years as the chairman of a local draft board.

A tribute to Jack Dameron would not be complete without mention of the organization that has received his most ardent support, the Boy Scouts of America. Jack has been a Cub Master, Webelo leader, Patrol Dad, Scout Master, Dan Beard District Chairman, SME Chairman, Vice President of Operations, and President of the Long Beach Area Council for the past 2 years and was honored with the Silver Beaver Award.

It is not often an individual with such a wide range and depth of community service comes to my attention. Jack Dameron is truly a remarkable person. Therefore, on this most special and deserving occasion, my wife, Lee, joins me in expressing the gratitude he is due. We wish Jack, his wife Dorothy Lee, their three children, John, Darlene, and Mark, and their four grandchildren all the best in the years to come.

END THE MONEY GAME

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. MRAZEK. Mr. Speaker, during the 1990 election cycle, congressional candidates raised and spent \$445 million. This figure represents the continuation of the political money game and exacerbates public opinion that Congress is full of arrogant Members who can be bought. Congress must begin to dispel the eroding confidence of the public.

Certainly, no single reform can eradicate our tarnished images, but I believe that it is prudent for Congress to pass meaningful campaign finance reform before adjournment. It is for this reason that I have cosponsored Representative GEJDENSON's legislative proposal, and I strongly urge my colleagues to do the same. While I personally do not believe that the Gejdenson proposal goes far enough in reforming campaign finance laws, it is necessary for Members to take concrete steps toward restoring Congress' integrity.

The Gejdenson proposal offers hope for a fundamental overhaul of the campaign financing system. Unfortunately, it will not solve the problem of soft money contributions, and in my opinion, it does not limit political action committee donations enough; however, it does make an attempt to establish sensible spending limits and slow the endless search for money. Further, not only will GEJDENSON's proposal reduce the amount of time spent in the money chase, but it will also help to eradicate special interests associated with campaigning.

But perhaps more importantly, the Gejdenson proposal will eliminate the financial advantages of incumbents and provide viable challengers with the mechanisms to compete. Challengers will be assured of an equitable political debate, and not one in which "he with the most money wins."

Again, Mr. Speaker, I encourage my colleagues to lend their support to Representative GEJDENSON's campaign finance proposal. It takes the necessary first steps toward credible reform, and it provides us with the perfect opportunity to show Americans that we in Congress are willingly to remove the fat-cat influence and place challengers on a more even keel financially.

HELEN AND ERNEST CAMBIO CELEBRATE 50TH WEDDING ANNIVERSARY

HON. RONALD K. MACHTLEY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. MACHTLEY. Mr. Speaker, I rise today to recognize Helen and Ernest Cambio, Sr., in celebration of their 50th wedding anniversary on November 29. Let their dedication to each other set an example to others who wish to share in the special bond of marriage.

Helen Veronica Cambio and Ernest Henry Cambio, Sr., currently reside in East Providence, RI. Their son, Ernest Henry Cambio, Jr., lives in Florida. In addition, Mr. and Mrs. Cambio have three grandsons, two great-granddaughters, and one great-grandson.

Ernest Cambio, Sr., was an assembler for Wordwell Brading Co. in Central Falls, RI, for 15 years. Helen Cambio was a supervisor at Hasbro Toys for 28 years. Both are now retired, enjoying time with friends, family, and most importantly, each other.

I ask my colleagues to join me in wishing Helen and Ernest Cambio and their family continued health and happiness.

THANKS FOR KENYON'S COMMUNITY SERVICE

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, November 12, 1991

Mr. FISH. Mr. Speaker, I offer appreciation and praise to the many fine people I know who over the years of severe government funding reductions have selflessly volunteered for community service.

One of these individuals, who is a resident of New York City and part-time resident of my district, is Nigel Kenyon. Mr. Kenyon has generously devoted his time and efforts to the establishment of a citywide program to assist less fortunate young people. The program is designed to collect donated sporting equipment and distribute it to youth groups throughout the city. Mr. Kenyon's endeavor has received tremendous support from local organizations and government agencies, as well as acclaim from Mayor Dinkins.

I applaud Mr. Kenyon for his contribution to his community. It is well deserved. His zeal and enthusiasm for community service is an inspiration to all.