# SENATE—*Tuesday, July 28, 1992*

*(Legislative day of Thursday, July 23, 1992)*

The Senate met at 9:15 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. LIEBERMAN].

PRAYER

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

Let us pray:

* * * *they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary, and they shall walk, and not faint.*—Isaiah 40:31.

Gracious Father in heaven, in a day like this, public persons are under a constant barrage of criticism from the media, the press, and the public. They are tough, they know it is the price of leadership, but they have got to be hurting. Despite their sincere commitment to change and their desire to make it happen, they are often misunderstood, even by their peers.

I pray for these public servants for whom hurting is virtually a daily experience, that You will sustain them, encourage them, and empower them to fulfill their responsibility, however great the resistance to their efforts. Bless their families who hurt with them, and their staffs, and remind them of Your love, understanding, and care when they have nowhere else to turn. Keep them, Lord, in Your love. Amen.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time 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 10 a.m., with Senators permitted to speak therein for up to 5 minutes each.

The first 30 minutes shall be under the control of the majority leader or his designee.

Under the previous order, the Senator from Washington [Mr. GORTON] will be recognized to speak for up to 10 minutes and the Senator from Indiana [Mr. COATS] will be recognized to speak for up to 5 minutes.

Mr. PRYOR addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the senior Senator from Arkansas [Mr. PRYOR].

MANDATORY LIVE QUORUM WAIVED ON CLOTURE VOTE ON THE MOTION TO PROCEED TO H.R. 776

Mr. PRYOR. Mr. President, on behalf of the majority leader, I ask unanimous consent that the mandatory live quorum, as required under rule XXII, be waived in relation to the cloture vote on the motion to proceed to H.R. 776.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENSE TRANSITION PROPOSALS IN COMMERCE, JUSTICE, STATE APPROPRIATIONS BILL

Mr. PRYOR. Mr. President, this morning, I wish to commend the chairman and the ranking member of the Commerce, Justice, State, and Judiciary Appropriations Subcommittee, Senator HOLLINGS of South Carolina and Senator RUDMAN of New Hampshire, for the very, very fine bill that they brought to the floor yesterday and which we will continue to debate and discuss on this legislative day.

I particularly want to compliment these two fine Senators for the portion of that bill which allocates $229 million for defense economic transition programs.

We are all aware that over the next few years the United States is going to face a significant economic disruption as a result of lower defense spending. Currently, 34 military bases around the country are closing; another 48 are being realigned; up to 350,000 defense workers will lose their jobs each year through 1997. That is 1,000 jobs lost each day through 1997. Over the period of 1992 to the year 2001, the Department of Defense outlays for goods and services could decline, it is anticipated and projected by some, as much as 48 percent.

In response to this challenge, the majority leader, Senator MITCHELL, last March appointed a task force composed of 21 Democratic Senators. I had the privilege of chairing this task force. It was charged with developing recommendations to help ease the country's transition to a post cold war budget environment. This task force issued its recommendations on May 21 of this year.

I would like to say that the distinguished occupant of the chair, the Senator from Connecticut [Mr. LIEBERMAN] contributed mightily and constructively to the recommendations in this task force, and his expertise and continued diligence will always be appreciated and noticed.

A week after the Senate Democratic Task Force on Defense Transition released its report, President Bush responded with his own set of defense conversion recommendations. Subsequently, a Senate Republican task force, led by Senator WARREN RUDMAN, of New Hampshire, issued a very fine defense conversion report of its own.

Since releasing our report, the Senate Democrats have worked to implement our defense transition recommendations and today we see some of the first fruits of that labor. The Commerce, Justice, State, and Judiciary Appropriations Subcommittee under Senator HOLLINGS and ranking member, Senator RUDMAN, has this year put additional funds into three programs identified by our task force specifically for the purpose of defense conversion.

Let me also say, Mr. President, that this is not a partisan matter. This is not just something Democrats are doing; not just something Republicans are doing. But, hopefully, we are putting partisanship aside to join together with Senator RUDMAN and his findings and our task force on the Democratic side, to do something that is very necessary in the field of economic transition.

This legislation that we take up again today is going to provide for an additional $109 million to the Department of Commerce's National Institute of Standards and Technology, or NIST. This money will fund NIST manufacturing technology centers.

Mr. President, around here we know these technology centers as Hollings centers, after the very distinguished Senator from South Carolina who had the original concept for these centers. I think from now on, especially now, we are going to give them increased emphasis. I think Hollings centers are going to be very much a part of our economic transition and conversion process.

These centers are going to reach out to small and medium-sized defense firms, provide them with advanced technology and processes to help them make the transition to commercial industry. The money will also fund grants for critical technology partnerships with industry through the NIST Advanced Technology Program.

These grants will in the short run provide new commercial opportunities for defense firms, and in the long run

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

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will spur productivity and economic growth, which will replace and eventually surpass the economic activity currently generated by the defense sector of the economy. NIST's State Technology Extension Program is also eligible to receive some of the defense transition funds appropriated in this bill.

These provisions from the commerce appropriations bill implement recommendations from part III, sections A and B of our task force report.

Second, this bill appropriates $80 million to the Department of Commerce's Economic Development Agency, or EDA, for the purpose of providing economic adjustment grants to defense-impacted communities across our country. This office, I am sorry to say, has been targeted for elimination by the White House every year since the early 1980's. Fortunately, the Bush administration has recently done an about-face and now supports funding for the Economic Development Administration.

The grants given out by the EDA will help adversely impacted communities foster new business activity and replace the disappearing defense activity. This provision of the Commerce appropriations bill implements a recommendation from part II, section B of our task force report.

Finally, the bill appropriates $40 million for small business loan guarantees through the Small Business Administration, for businesses adversely affected by the lower defense spending and for the establishment of businesses by individuals separated from the armed services and from defense industries due to reduced defense budgets. This $40 million in loan guarantees will leverage over $735 million in private loans to help communities adjust, to encourage voluntary separation from the military, and to reward those soldiers, sailors, airmen, and defense workers who served their country during the cold war. This provision from the Commerce appropriations bill implements a recommendation from part II, section C of the task force report.

I want to call on President Bush and his administration to support these recommendations and help implement them once this bill comes back from conference and is approved by the full Congress. These provisions are about creating economic growth, creating jobs, and putting American industry back into high gear. The thousands of communities and hundreds of thousands of individuals who secured the defense of our country through the long dark years of the cold war who made those sacrifices, are going to have their lives disrupted over the next few years. These are people and places who will truly be hurting. They will with thanks, long remember any assistance that we provide them today, and they will with anger, not soon forget if we fail to provide this assistance.

Mr. President, should anyone think the recommendations in the Commerce, Justice, State appropriations bill represent the extent of the Senate's defense transition effort, let me mention that the Senate Armed Services Committee just last week reported its 1993 Defense authorization bill which contains numerous defense transition provisions. In addition to provisions that will assist communities and industries, as the Commerce appropriations bill does, the Armed Services Committee bill also contains numerous initiatives to assist individuals who will lose their jobs in the armed services and in defense industries because of reduced defense budgets.

I will be back here to discuss this subject further when Senator NUNN brings his bill to the floor. For now I particularly want to thank Senator HOLLINGS, the chairman of the subcommittee, and praise him for his work, not only for his bill but also for the contributions he made as a member of the task force.

I would also like to thank and commend two members of his staff, Pat Windham and Scott Gudes, who made invaluable contributions to the work of the task force.

I also want to thank the chairman of the full Appropriations Committee, the President pro tempore of the Senate, Senator ROBERT C. BYRD, for his very valuable support of the task force report and our efforts.

My thanks also go out to two members of Senator BYRD's staff, Jim English and Dick D'Amato, who have been very, very supportive as well in guiding and developing this legislation and bringing it to the floor.

Also, Mr. President, the staff of Senator RUDMAN has been very, very helpful as we have developed this legislation, bringing it to the floor and bringing it to this point.

On my staff, Mr. President, I would like to thank Desten Broach, who has worked tirelessly in this effort, and Kirk Robertson, who has basically chaired the staff work for this particular report.

In closing, I would like to make all of my colleagues aware of a column on the subject of defense conversion which appeared on the front page of yesterday's Wall Street Journal. This column points out some of the extreme difficulties inherent in trying to convert our defense industrial complex to civilian commercial purposes, difficulties of an economic, technical, and policy nature. The column points out that if we do not take united action to chart a new economic course, "the end of the cold war would turn out to be one of the greatest moments in history that nobody could seize."

I urge my colleagues to support these transition proposals so that we can seize this historic moment.

Mr. President, I ask unanimous consent that a copy of the article in the Wall Street Journal of yesterday just referred to be printed in the RECORD.

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

[From the Wall Street Journal, July 27, 1992]

DEFENSE CONVERSION VS. DEFICIT REDUCTION

WASHINGTON.—America won the Cold War, but nobody seems to be able to figure out what to do with the spoils of victory.

For more than 40 years, the U.S. pumped vast resources into combating the Soviet threat. Now everybody agrees the time has come to shift those resources to pressing domestic needs. And it's not just funding that has been freed up. The defense establishment also represents an extraordinary investment in brain power.

Some 15% of U.S. scientists and engineers are involved in defense-related work, many of them engaged in cutting-edge research. Just last week, while heralding the end of the Cold War as "the most important event of our generation," Treasury Secretary Nicholas Brady invoked the words of Dwight Eisenhower: "A world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, the hopes of its children."

But coming up with a sound plan to tap this high-tech talent won't be easy. With a $350 billion budget deficit, the government cannot simply shift to domestic programs the money that would have been spent by the Pentagon. Some economists think the country will wake up to find that the Red Ink is a lot more menacing than the Red Scare. "In a sense, we financed the military budget on borrowed money," says economist Murray Weidenbaum, formerly an adviser to President Reagan.

Every dollar spent on well-intentioned programs for easing the transition to a peacetime economy is a dollar that can't be devoted to paying down the debt. "If the peace dividend is consumed, the economy will sacrifice the longer-term gains—including lower real interest rates, higher capital formation and, ultimately, higher living standards—that follow deficit reduction," the Congressional Budget Office warns.

On top of that, it is difficult to redeploy troops effectively when the government's first concern is administering triage. Several economic models estimate that 200,000 to 500,000 defense industry workers and Pentagon personnel will lose their jobs every year for the next five years. Certain communities, from California to Connecticut, are being hit disproportionately hard. Already, the downsizing "has been retarding near-term economic growth," says Federal Reserve Chairman Alan Greenspan.

To dull the pain, the White House says it has set aside more than $7 billion over the next two years for "defense transition" projects. But the bulk of this is for long-established programs such as Pell Grants for education and veterans' home-loan guarantees. The President has introduced a few innovative measures—one plan, for instance, would offer incentives for soldiers and bomb builders to become teachers—but most of these are relatively small.

For its part, the House has approved a $1 billion "defense reinvestment package" for next year that seeks, among many other things, to spur defense companies to develop commercial products. And the Senate Armed Services Committee on Friday authorized $1.2 billion for "defense conversion assistance."

Yet while some companies may succeed at commercial work, many more are likely to

fail. General Dynamics is convinced that even with the shrinking pie, the best course is to stick to making military hardware. Investor Warren Buffett evidently thinks it is the right strategy; last week, he snapped up a 15% stake in the company.

After all, the track record of defense firms trying to serve commercial markets is poor. Companies used to dealing with one customer—the Pentagon—often can't cope with the mass-production and marketing requirements of the civilian sector. The same holds for the government's vast network of laboratories. "You can't just say to a lab that's been working on nuclear weapons, 'OK, now you go to work on computers or automobiles.' " says Harold Brown, who was Jimmy Carter's defense secretary.

Mr. Brown recently headed a National Academy of Sciences panel that called for the creation of a $5 billion Civilian Technology Corp. in which government and industry would work together to promote the commercialization of high-tech products.

Pledging similar solutions is the Democratic presidential candidate, Bill Clinton. He has vowed to devote erstwhile defense dollars to new communication, transportation and environmental systems. But it is far from clear that Mr. Clinton can pay for all that he promises without giving up on deficit reduction altogether.

And even if the books balance, there still is a more fundamental question: How will the White House and Congress ever agree on which industries should reap the most benefit from these new programs? Fighting the Russians was one priority that politicians in both parties could safely rally around. Forging a consensus for the new domestic agenda will be much tougher. "Ill-conceived programs can waste a lot of money in a big hurry," acknowledges House Armed Services Committee Chairman Les Aspin.

One answer is to let the marketplace run its course. Eventually, the law of supply and demand should shift resources to those areas that make the most sense. But that may take decades. And in the meantime, "a lot of the brain power will just be lost." laments Richard Belous, senior economist at the National Planning Association.

If that happens, the end of the Cold War would turn out to be one of the greatest moments in history that nobody could seize.—RICK WARTZMAN.

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

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

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I rise to join the distinguished occupant of the chair, my friend and colleague from Arkansas, in congratulating the chairman of the Subcommittee on Commerce, Justice, and State appropriations, and the ranking minority member, for the extraordinary work that they have done in the matter that they bring before the Senate at this time.

But before doing so, I want to compliment my friend and colleague, the distinguished occupant of the chair, for his extraordinary leadership of the Senate Defense Conversion Task Force, because it is that task force that has provided the foundation for much of what is in this proposal from this subcommittee, and much that will follow that is critical to so many States and cities and towns and communities and, most of all, companies and thousands of workers who have, as the Senator from Arkansas said, really been in some sense the unsung veterans of the cold war, which we won.

I can tell you, coming from Connecticut, which is a State that has enjoyed a lot of defense work—and we are proud of the fact that since Revolutionary times, we have thought of ourselves as the arsenal of democracy—nonetheless, as the cold war ends and defense budgets become smaller, we are feeling the pangs of that transition.

The work that the Defense Conversion Task Force has done, under the leadership of the Senator from Arkansas, really provides us with the brightest rays of hope that we have been given. I particularly compliment the chairman of the task force not only for dealing with the specifics of defense transition, of trying to assist the communities and companies and workers to make this transition—retraining the workers, for instance—but for going one beyond that and recognizing that unless the Government helps business create new jobs for the people who used to work in the defense industry, all the retraining in the world that we give them is not going to mean very much, because they are still going to be unemployed.

The truth is, in the defense industry and in too many other industries that have been hit by the recession that we are in today in this country, jobs are being not just temporarily vacated; I am afraid jobs are being canceled. Old jobs are being canceled. This economy of ours is generally going through a transition and, therefore, the answer, the only answer that we can give, which is an answer of hope to people who are unemployed, or fearful of being unemployed, is to create new jobs.

The Defense Conversion Task Force has recognized that in its work. I must say, this Subcommittee on Commerce, Justice, and State appropriations has done the same. The chairman, the Senator from South Carolina [Mr. HOLLINGS] has been a leader in this critical work.

The fact is that in 1988, in the Trade Act, the Senator from South Carolina, in his wisdom, transformed the National Institute of Standards into the National Institute of Standards and Technology, creating a center that American high technology firms could turn to for funding research and development of cutting-edge technologies.

That is just what we are talking about. Making sure—as our colleague, Senator MIKULSKI from Maryland, often says—that we in America not only win the Nobel Prizes for great research, but that we commercialize that research so we sell the products that are the result of it. Too often, we have done the breakthrough science, and it is our friends in Japan or Europe who have commercialized it, for instance, with the fax machine or the VCR.

Senator HOLLINGS not only created NIST, but he went the additional step, which is to make sure that those programs of NIST, which are so important to creating new jobs, are adequately funded. He, of course, has been supported in this by the ranking Republican and by the subcommittee in this subcommittee bill.

The subcommittee has taken one-fourth of the function 050 national defense allocation for economic transition by defense-dependent firms and communities, and that includes $80 million in Economic Development Administration grants to assist defense-dependent communities, and $40 million to subsidize small business loans which, as the Senator from Arkansas pointed out, will leverage out to a very impressive total of $735 million in loans for the many small businesses across the Nation that have been hard hit by defense cuts.

Mr. President, when we think of defense cuts, we think in our State of Electric Boat, of Sikorsky, and in other States, of McDonnell Douglas, and the rest. But there is a whole network of smaller businesses dependent on those larger, well-known companies that are hurting, and we need to help.

This bill also provides $109 million for grants in research through the NIST grants technology program and the manufacturing technology centers, both of which are critical to making sure that American Government helps American business create new jobs, just as Japanese Government helps Japanese business do it, and the European Governments helps European business do it.

The subcommittee also funds an additional $200 million for the construction of research facilities which will serve to rebuild the infrastructure of NIST itself, as well as enhance its ability to undertake and support cutting-edge research.

Mr. President, all of these programs are part of the national economic leadership strategy that was unveiled under the aegis of the distinguished Senate majority leader on July 1, supported in the long run—in the short run, I am sure, also—not just by Democrats but by Republicans, as well as part of an overall blueprint to get our Nation's economy moving again.

The fact is that we are in danger of becoming a high technology dumping ground for products not made in the USA. Just take a look at the consumer electronics products that most of us

use during the course of a normal day. How many are made today in the United States of America? The sad answer is that very few are. And the situation will only get worse as new technologies develop, which will all depend on—10 or 20 or 30 years from now—if we do not fund programs like the ones contained in this subcommittee bill.

It is time for us to take charge of our economic destiny and get the Government squarely on the side of those businesses that are going to lead our economy into the next century. NIST and its programs are an integral part of that process, and the chairman of the subcommittee, the Senator from South Carolina, and his distinguished ranking minority member, the Senator from New Hampshire, and all the members of the subcommittee, in my opinion, should be applauded for their efforts in this bill.

Mr. President, some of the allocation decisions made in this bill are the kinds that are rarely known, hardly seen, by the public, and yet it is these investments that are made in a bill like this which will really do as much as anything we will do in this Chamber this year to determine the quality of life that we and our children will live in in America in the decades ahead because it will determine whether the products that the world will buy will be made in America and, therefore, whether Americans will have the jobs that will make those products.

Mr. President, I want to say a final word of praise and gratitude to our colleagues on the subcommittee for the increased funding in this bill of the International Trade Administration, especially the U.S. Foreign Commercial Service, the people who we put out there in embassies across the world to help American business sell our products.

The chairman of the subcommittee, the Senator from South Carolina, if I am not mistaken, is the one who has said we have gone now, in this period of our history, from the cold war to the trade wars. If that is true—and I think it is true—we have to begin to make sure we have as many commercial officers in our embassies abroad as we have had intelligence and military officers in them during the cold war. The fact is that every American embassy in every country abroad should not be just a diplomatic outpost. It should be a center of assistance and advocacy for American businesses which are trying to sell products in those countries because the sale of those products creates jobs at home.

The chairman of the subcommittee has had the foresight to realize that the U.S. Foreign Commercial Service will continue to play this increasingly important role in representing American interests abroad as we begin to define those interests in the post-cold war world more in economic terms.

I must say I also appreciate the reference in the bill's report language to increased funding for the Foreign Commercial Service in the newly independent states of the former Soviet Union. The fact is, if we are to help transform those nations' economies, we are going to need a strong Foreign Commercial Service present in each of those nations, and it is that presence which will enable us not only to do good in helping the nations of the former Soviet Union but to do well by creating business opportunities for American companies in those countries.

Mr. President, overall, hats off to the subcommittee and its leadership for one of the best things this Senate will do, not only to get America out of the recession it is in but to get it firmly on the path of longer term economic growth.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

Mr. COATS. Mr. President, I ask to proceed for 5 minutes in morning business.

The PRESIDING OFFICER. The Senator may proceed.

## QUOTING THE SCRIPTURES

Mr. COATS. Mr. President, the Senate opens each session in prayer, and in those prayers our Chaplain often quotes Scripture. I know that Chaplain Halverson always quotes Scripture very carefully rather than to bend it to fit his own purposes. To many of us, the words quoted from Scripture each morning are serious things, in fact, are sacred words, and using them entails serious obligations. They are more than text to be used; they are text to be respected.

Like many Americans, I was impressed when the Democratic candidates for President and Vice President made use of Scripture in their convention speeches. It is a practice in the best tradition of American rhetoric. Those words captured such emotion, they felt so genuine, but afterward, in reflecting on the Scriptural passages quoted by Mr. Clinton and Senator GORE, they did not ring quite true. In fact, when you try to look them up, they are nowhere to be found. In two instances, the passages do not seem to exist as quoted. In one case, the words were changed to convey an entirely different meaning.

In Governor Clinton's speech he said, "As the Scripture says, 'Our eyes have not seen, nor our ears heard, nor our minds imagined what we can build.'" But the passage Mr. Clinton appears to be quoting in Corinthians says nothing of the sort in any version I can find. The Scriptures actually say, "But as it is written, eye hath not seen, nor ear heard, neither have entered into the heart of man, the things which God has prepared for them that love him."

The meaning between Mr. Clinton's version of Scripture and Scripture itself could not be more different. Mr. Clinton's version focuses on human effort. The actual Scripture focuses on God's personal blessing to those that give him their heart. In one version, Bill Clinton takes credit. In the other, the Biblical author gives thanks. There is a world of difference between the two.

At another point, Senator GORE quotes, in the words of the Bible, "Do not lose heart, this Nation will be renewed."

For the life of me, I cannot find these words anywhere in my Bible, at least in this form. Perhaps Mr. GORE was using these words as a paraphrase.

Mr. President, I have seen and read the Revised Standard version of the Bible, the King James version, the New International version, the New American Standard version, but the words of Mr. Clinton and Senator GORE used in their acceptance speeches at the Democratic National Convention, the Scriptural quotes that they used, appear not to have come from any authorized version that I know of, perhaps only from the Democratic National Committee version.

All of this, Mr. President, I think points to a double standard. If the Vice President of the United States had made such glaring errors of fact on such important matters as quoting Scripture, there is no doubt in my mind the reception he would have received. There is no doubt in my mind the daily national exposure and lampooning of the Vice President's misuse of Scripture. Yet I have seen barely a ripple or barely a comment over Mr. Clinton's complete misuse of Scripture and Senator GORE'S paraphrase which comes nowhere close to anything in Scripture I have ever read or found or researched. If we are going to have standards this exacting for public figures, if we are going to scrutinize every word, let us apply them to everyone, and let us apply them where they really matter like the quoting of Scripture.

Mr. President, I yield the floor.

(Mr. LIEBERMAN assumed the chair.)

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me. I was leaving the floor just a moment ago, and I caught the word, something about Governor Clinton, and I inferred from the tone of voice of my good friend and colleague from Indiana that it was not going to be very friendly, so I hung around just a moment.

Mr. President, we are at an interesting juncture in the Senate. I think we are going to have to ask ourselves pretty soon, is this going to be the forum to run a Presidential campaign, this body, this Chamber, 100 of us, with 13 appropriations bills still before us and

many other pieces of legislation that we must complete? Are we going to use the Senate as another convention hall?

Are we going to use the U.S. Senate one morning for the Republicans to talk about the Democrats, the next for the Democrats to talk about the Republicans? I hope that is not going to happen. On three occasions last week that did happen. I must say it started from the other side of the aisle.

I say this respectfully to my colleague from Indiana. I think that when it is done over there it is going to be responded to over here. This morning the Senator from Indiana has talked about the Scriptures, and the interpretations that Governor Clinton has put on the Scriptures.

Mr. President, I cannot speak to that. I have not looked at that. But I want to say something about Governor Clinton. I am very proud, Mr. President, that my friend from Indiana is still here. I do not want to get too many religious overtones here in this body nor in the campaign.

Bill Clinton is a devout believer. He is a devout person. His family is devout. Bill Clinton not only goes to church each Sunday morning but if you look up in the choir at the Emanuel Baptist Church, you will see Governor Clinton in his choir robes. He loves to sing. He loves to be a part of that church. He is a part of that community in Little Rock and throughout our State.

Any indication, any implication, or anything, that the Senator from Indiana or anyone else would challenge about his religion or his religious beliefs, I think, goes beyond what his campaign for the Presidency should be about.

I am very hopeful, Mr. President, when we look at the role of the U.S. Senate, that each day is not going to be some confrontation between that side of the aisle and this side of the aisle. We have too much work to do. There are too many States out there in which this can be done and in which it may be a legitimate part of the debate. But I am hopeful that we will keep it at a minimum.

Mr. COATS. Mr. President, will my friend yield?

Mr. PRYOR. I am happy to yield.

Mr. COATS. My friend from Arkansas made a valid point, and that is I do not believe either that this Chamber should be used as a forum to conduct the Presidential campaign. My friend from Arkansas represents a State which has nominated for his party an individual, the Governor of the State. I, of course, represent a State in which the Vice President is on the ticket for the national election.

The point that I was trying to make here this morning was not in any way to draw reference to Mr. Clinton's religion. I do not know what his religion is. I do not know what his beliefs are. I can only judge from media reports of Mr. Clinton's personal life and, frankly, the very point I was trying to make is that I think distortions in less than a factual standard have been used to judge him in public service.

What this Senator is pointing out is that a very serious double standard exists here because the Vice President, in misspelling one word has been lampooned across this country by the media and in this Chamber by Senators from the other side of the aisle—for making a misspelling in a spelling bee on a card that was handed to him that was spelled wrong. And yet I am simply saying that had the Vice President used Scriptures in such a way in a speech, and tailored that Scripture to a completely opposite conclusion of what the Scriptures intend, we would hear no end of the abuse and ridicule and misuse of Scripture for political purposes. We would hear no end of that.

So I certainly think that it is time that both of us, all of us on each side of the aisle, stand up and say to the American public, and say to the press, and say to each other, let us call a truce on using the Senate and using the media for political purposes and political gain. Let us show a little bit of understanding and tolerance to what is said when mistakes are made.

I doubt if there is a Senator on the floor here who has not either misquoted something or misspelled something. In fact, I found it interesting that the Washington Post poll, even after everybody figured out how to spell potato, found that 30 percent of the people, registered voters of this country, still could not spell it. This is after 2 weeks of being told how to spell it.

So why do we not get down to some more substantive issues and get away from this double standard? That is the point I was trying to make.

I was not attempting to reflect on either the conduct or religious belief of Senator GORE or Mr. Clinton. I do not believe anything I said reflected that.

Mr. PRYOR. Mr. President, I will just conclude by saying that if the Senate floor is going to continue to be used to conduct a political debate every day or every other day, I think it might be appropriate if we would just decide right now that, for example, every morning at 8 o'clock, when the Senate convenes and after the majority and minority leaders have each had leader time, that we set aside an hour and everyone would know that this is going to be political time. We just set aside an hour. We will duke it out. The Republicans come, and they bring their accusations; we respond, what have you.

I hope we do not reach that point. I do not think the Senator from Indiana wants to reach that point, Mr. President. I do not think the Senate should be used for that purpose.

I yield the floor.

Mr. COATS. Mr. President, I ask unanimous consent for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COATS. I appreciate the sentiments of my friend from Arkansas. I have not been here very long in the Senate. But I do not believe it is realistic to think that this body, whether we agreed to an hour of time in the morning to debate the politics, it seems incredulous to me to say that whatever else we have done or do during the remainder of the day is not political. The bills that are brought up, the debate that is entered into, I wish it were all in the nonpartisan best interests of this country. But to suggest that either side is not engaged in some type of political effort at least between now and November, I think is stretching it.

I would tell my friend from Arkansas that perhaps he and I can at least start the effort here by saying that we will do our best to tend to the Nation's business, politics aside. I do not have a great deal of confidence that that is what will happen here in the next few months, but I think the country would be better off if we were able to do that. Perhaps he and I can make every effort to convince our colleagues that is the way the debate ought to be conducted. I do not have a great deal of confidence that will happen.

Mr. President, I thank the Chair for the time, and I yield the floor.

Mr. GORTON addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Washington [Mr. GORTON] is to be recognized to speak for up to 10 minutes. The Chair advises the Senator from Washington that under the previous order, morning business was not to extend beyond the hour of 10 a.m.

Mr. GORTON. Mr. President, we hope we will complete between now and then.

## SERBIA

Mr. GORTON. Mr. President, during the past 4 months, Serbia has created the greatest flood of refugees in Europe since the end of World War II. It has achieved nearly complete success in cleansing Bosnia of Muslims and Croats. Thousands of Bosnians have been killed and nearly 1¼ million more fled their country. Some U.N. officials estimate that another 1 million may flee before Serbia is satisfied. Of these, perhaps half a million may face starvation this fall and winter.

This calamity began back in June 1991 when the then Yugoslav Army began attacking Slovenia. Fortunately, many members of that army were reluctant to attack a newly independent country without a significant Serbian population. Weeks later the Serbs

began their attack on Croatia where they took control of one-third of that country before signing a cease-fire before the end of last year.

The United Nations, the United States, and the European Community have reacted to this 14 months of aggression with a string of measures aimed at isolating Serbia and pressuring it into a truce. We began by denouncing the injustice and negotiating a cease-fire.

Later, as Croats fled Serb-occupied portions of Croatia, Europe began accepting a steady flow of refugees. In September 1991, the United Nations imposed an embargo on arms entering the ex-Yugoslavia States and, in late May of this year, voted to place sanctions on the rump State of Yugoslavia.

Now Europe is absorbing its greatest flow of refugees in more than 45 years, and continues to place its hopes on efforts to broker a peace agreement.

From the beginning, neither the European Community, the United Nations nor, of course, the United States, has seriously considered intervening in that unhappy country and its ethnic feuds. In this respect, Mr. President, I wish to state that our decisions have been correct.

For the United States, and I suspect the European Community, direct military intervention is not an option worth consideration.

I can envisage no scenario in which we could emerge from such an involvement with an unqualified or even publicly acceptable success. We have not sent troops, I doubt that we will, and I do not advocate that we do.

Nonetheless, we should examine what we can reasonably expect of the measures the United Nations has adopted. However serious and earnest the debate of early 1991 with respect to the effect of sanctions for Iraq's invasion of Kuwait, we have since learned that sanctions could not possibly have been successful there, that they still are not successful in Iraq, and almost certainly will not be successful in Serbia. Serbia, in fact, is in an even stronger position than Iraq was, holding a stockpile of oil, self-sufficiency in food, and a porous border with Romania, which permits many of Serbia's poor neighbors to profit from breaking the embargo. This embargo will not succeed in its announced goals.

In addition, our innumerable efforts for a cease-fire have consistently been undermined by an unrealistic assessment of the region's balance of power. When Yugoslavia disintegrated over 1 year ago, Serbia ended up with almost all of the old army; others of its republics, particularly Bosnia, ended up nearly defenseless. Essentially, Serbia has little cause to halt its aggression, because it has little reason to expect that it will meet effective resistance. In spite of the innumerable cease-fires, Serbia has accomplished everything it has wished in Croatia and Bosnia. I believe we should realistically examine the likelihood of the United Nation's measures ending Serbia's aggression before it has attained everything it desires. That success is unlikely. For this reason, I believe that we should work within the United Nations to consider whether the arms embargo placed on the States of ex-Yugoslavia last year may actually be counterproductive to efforts to create an impasse in Bosnia.

Mr. President, we are confronted with a massive crisis in the Balkans and a set of solutions which are not particularly palatable. The measures we have adopted have not worked and offer little hope for the future. We have also correctly determined that the one measure which would clearly end this conflict—direct military involvement—is unrealistic and unjustified. The stakes here, however, are simply too high to allow all efforts to be immobilized by this predicament. Nearly one-and-a-quarter million people have been driven from their homes and appear to have little hope of returning. I ask those who are serious about ending this calamity whether or not we should work within the United Nations to review the arms embargo and consider sending small arms to those in Bosnia, who wish to fight for their own freedom and their own liberty. They may or may not be successful, but, Mr. President, it seems to me they ought to be given the opportunity.

I violate no confidence when I say that there is evidence suggesting that Germany and Hungary have already broken the United Nations embargo on arms to former Yugoslavia States by sending rifles and other equipment into Bosnia. Serbia has now engaged in almost unchecked aggression and driven so many Bosnians out that it is time for us to work through the auspices of the United Nations to consider lifting the embargo formally and allowing the over-the-table transfer of small arms to hundreds of thousands of Bosnian Muslims and Croats who are willing to fight for their lives, homes, and country.

## TODAY'S "BOX SCORE" OF THE NATIONAL DEBT

Mr. CRAIG. Mr. President, Senator HELMS is in North Carolina recuperating following heart surgery, and he has asked me to submit for the RECORD each day the Senate is in session what the Senator calls the "Congressional Irresponsibility Box Score."

The information is provided to me by the staff of Senator HELMS. The Senator from North Carolina instituted this daily report on February 26.

The Federal debt run up by the U.S. Congress stood at $3,989,786,343,838.60, as of the close of business on Friday, July 24, 1992.

On a per capita basis, every man, woman, and child owes $15,532.98—thanks to the big spenders in Congress for the past half century. Paying the interst on this massive debt, averaged out, amounts to $1,127.85 per year for each man, woman, and child in America—or, to look at it another way, for each family of four, the tab—to pay the interest alone—comes to $4,511.40 per year.

## SMALL BUSINESS AND THE ADA: DOLLARS AND SENSE

Mr. DOLE. Mr. President, having a stable and rewarding job is a basic component of the American dream—a dream shared by millions of Americans with disabilities. To help fulfill this dream, President Bush signed the Americans With Disabilities Act [ADA] into law on July 26, 1990. The law prohibits discrimination against persons with disabilities in all areas of American life, including employment, places of public accommodations, transportation, and telecommunications.

Perhaps the most important aim of the ADA is to open doors of employment previously closed to qualified individuals with disabilities. Every vocational rehabilitation study and years of experience show that persons with disabilities are highly reliable and productive employees, yet the unemployment rate for people with disabilities is estimated at 67 percent—the highest in the Nation. All too often, misconceptions about the abilities of persons with disabilities deny many the opportunity to work. These misconceptions are costly not only to business, but to each of us by keeping otherwise capable workers dependent on Federal financial assistance.

America has chosen to break this cycle of dependency with enlightened policies which promote self-sufficiency. Work enables people to participate in the economy as producers of goods and services as well as bill paying customers and taxpayers. Hence, by maximizing the productivity of every American the entire Nation benefits. That's one of the reasons I championed the ADA and why it makes good business sense.

The ADA presents this country with a challenge and an opportunity. In the short term, businesses will have to spend money to accommodate employees or customers with disabilities. Such accommodations can be anything from a simple adjustment or modification or either a shelf or a ramp, costing virtually nothing, to high technology assistive devices such as an opticon which coverts printed symbols to vibrating images. Employers' experience, including that of Federal and State governments, indicates that the overall cost of these accommodations is not exorbitant.

American business cannot and will not be left to meet the challenge alone. Business leaders committed to doing

their best to fulfill the promise of the ADA in making their facilities accessible to disabled customers and workers often lack the information needed to make the most cost-effective accommodation. If the nondiscrimination and increase employment goals of the ADA are to be met, the Federal Government and the disability community must continue to provide critical technical assistance to the business community.

The Department of Justice's Office on Americans with Disabilities has worked diligently to respond to questions concerning ADA. Currently, the Office fields approximately 4,000 requests per week for printed information and direct responses to ADA questions. The Justice Department predicts the demand for information will greatly increase following the July 26, 1992, deadline for the employment mandates of the law. The Department of Justice saw a similar increase in requests for assistance after the public accommodations requirements of the law went into effect in January of this year.

To meet the additional demands on the Office on Americans with Disabilities from the recent implementation of ADA mandates, the Department of Justice and the disability and business communities have requested that $4.8 million of the Department's general legal activities budget be earmarked for the Civil Rights Division to carry out technical assistance authorized under the ADA. The $4.8 million, which is approximately double last year's amount and this year's official budget request, would be used to expand the Technical Assistance Grant Program that provides educational outreach to communities through seminars, pamphlets, and other local activities. The Office would like to expand its 800-number phone service, promote a nationwide speakers' bureau on the ADA, and update a computerized informational network.

Because of funding constraints this year, the committee was unable to earmark the $2.6 million in additional funding. The committee did, however, include report language urging the Attorney General to consider diverting funds from base resources to expand technical assistance efforts. I would like to add my strong support to this language. Investing in technical assistance activities will increase compliance and decrease costly litigation, saving money in the long run.

To be sure, enactment of the ADA, is a giant step forward. However, it also is a reminder of how much more remains to be done. Fulfilling the mandates of the ADA will require each employer, manager, and supervisor to adopt a new attitude and seek opportunity to use the productive capacity of people with disabilities. The generous spirit and technical ingenuity of American business tells me that the promise of ADA will be realized.

## TRIBUTE TO RICHARD MARKS, NATIONAL PARK SERVICE

Mr. McCAIN. Mr. President, I rise today to call the Senate's attention to a very special individual. I am speaking about Mr. Richard Marks, who on August 7 will celebrate his retirement from the National Park Service.

Thirty-five years ago, Dick Marks dedicated himself to a high and noble purpose—stewardship of our Nation's natural treasures and service to his fellow man. Throughout his distinguished career, Dick has exemplified all that is good and honorable in public service—excellence, dedication, and integrity. I am proud to call him a friend.

Dick was born in Yonkers, NY, in 1935, and raised in Harrington Park, NJ. In 1957, he received his degree in forestry from the University of Michigan, and went to work for the National Forest Service. Two years later, Dick and his lovely wife, Haz, were married and in 1961 he began his accomplished Park Service career as a ranger at Blue Ridge Parkway—a career which would span the next 31 years.

After 5 years at the Blue Ridge, Dick was transferred to Yosemite National Park. He served as chief ranger until 1971 when he moved to Washington, DC. After a 4-year tour in the Nation's Capital, Dick was awarded his first superintendency, receiving the top job at Fire Island National Seashore.

The Park Service recognized Dick's expertise, leadership qualities and professionalism. In 1980, he was called on to serve in one of the most important and prestigious posts in Federal service—superintendent of Grand Canyon National Park.

During his 8 years as superintendent, I had the pleasure and privilege of working with Dick on many issues affecting the Grand Canyon. I quickly came to know him as a dedicated, talented and hardworking professional—a man of high integrity and purpose. Dick left the Grand Canyon in 1988 to assume his present position as assistant regional director stationed in Santa Fe, NM.

Dick, I join you and your family, Haz, Tim, Cindy, Glen, and Missy in celebration of your exemplary career and a new period in your life.

Enjoy this new beginning with the knowledge that your life's work lives on in the timeless gifts of God and nature which you have so ably cared for, and in the smiles of all those whose lives you have touched. That is quite a legacy.

On behalf of a grateful Nation, I say thank you—a job well done. We wish you and Haz the great happiness and joy you so richly deserve.

## RECOGNIZING THE DISTINGUISHED SERVICE OF COL. WYATT L. McGHEE

Mr. DIXON. Mr. President, I would like to take this opportunity to recognize the hard work and superb contribution of Col. Wyatt L. McGhee, in our armed services. After 30 years of distinguished service, Colonel McGhee is retiring from the U.S. Air Force effective October 1, 1992. Colonel McGhee served his country honorably and loyally in his capacity as a bioenvironmental engineer.

Colonel McGhee was born in Franklinton, NC, and now resides in my hometown of Belleville, in the great State of Illinois. The good colonel has been awarded numerous military decorations, including: The Air Force Commendation Medal, Joint Service Commendation Medal, and the Air Force Meritorious Service Medal with three oak leaf clusters.

Colonel McGhee has served his country, and his fellowman, with great distinction over the years, and should be very proud of his fine accomplishments. I would like to join my voice with those of his family and many friends in thanking Colonel McGhee for a job well done and wishing him the very best in the coming years.

## TRIBUTE—12TH ARMORED DIVISION "HELLCATS"

Mr. SPECTER. Mr. President, this September 13 through 17, the 12th Armored Division, also known as the "Hellcats," will be celebrating its 50th anniversary. This division was activated for the Second World War and spent a ferocious 3 years in active duty. Within its short period of duty, the 12th Armored amassed an impressive array of honors and distinctions, battling across Europe from the port of Le Harve to Austria, the heart of the Third Reich. Fighting in a heroic struggle against the very forces of evil themselves, the 12th Armored has a history of valor and distinction.

The 12th Armored was activated on September 15, 1942, at Camp Campbell, KY. After training the division was sent to England and landed there on October 2, 1944. One month later, on November 11, 1944, the 12th Armored arrived at Le Harve, France and began its advance across the continent of Europe. Its first action was on December 5, 1944, near Weisslington, France. From there, the division advanced to Herrlisheim and the Colmar Pocket before entering the Rhineland on March 17, 1945. The Hellcats crossed the Rhine on March 28 of that year and proceeded over the Danube on April 22. On May 3, 1945, the 12th crossed the Austrian border before finishing combat on May 5.

The 12th saw 151 days of continuous action against the Fascist legions. In this time, the 12th captured 70,166 enemy troops, captured over 3,000 cities and towns, and liberated 8,500 Allied prisoners of war.

Also known as the "Mystery Division," the 12th Armored served in the 3d U.S. Army, with the legendary

George Patton. The 12th also served with the 7th United States and the 7th and 1st French Armies. The many corps that the 12th served with include the United States VI, XV, XX, XXI and French II Corps. The Hellcats served in the Rhineland, Ardennes-Alsace, and Central European campaigns.

Under Maj. Gen. Carlos Brewer, Maj. Gen. Douglas Green, Maj. Gen. Roderick Allen, and Brig. Gen. Willard Holbrook, the 12th Armored Division received a number of unit citations. Three of the 12th's units received Presidential Units Citations, one received the Meritorious Service Unit Plaque, and one received the Meritorious Service Unit Plaque with Star. Last, the 12th Division holds a record for movement through enemy territory. Hellcats units advanced an amazing 59 miles in only 8 hours and 45 minutes.

The history of the 12th Armored Division is a record of bravery and dedication to the ideals of liberty that our great Nation stands for. The Hellcats served America in its time of greatest need, doing battle with the forces of tyranny and oppression in the name of freedom for all of mankind. On the occasion of their 50th anniversary, I would like to take this opportunity to recognize the Hellcats before the U.S. Senate.

## NORTH-CENTRAL KANSAS

Mr. DOLE. Mr. President, at 3 a.m. on July 8, hurricane force straight winds hit a small town in north-central Kansas leaving behind widespread destruction throughout the area. Major damage was incurred in central Kansas and the surrounding area. In particular, the NCK Electric Cooperative lost 500 electric transmission poles and other equipment worth $500,000. The southern one-third of the system was destroyed in the storm. In fact, insurance is unavailable for this type of equipment, thus making the burden on ratepayers, who recently experienced a rate increase in April, exposed to heavy additional increases in order to pay for the storm damage.

The NCK Electric Cooperative is in a poor position to take advantage of the REA loan program. The severe economic hardship this community faces to replace and pay for the estimated $3 million in damages throughout the community is going to be extremely difficult as it is. Although Kansas is notorious for its severe weather, rarely do we have storms that are classified as an inland hurricane, as this was.

Mr. President, the people of north-central Kansas and NCK Electric Cooperative need some relief so they may tackle the enormous burden they have before them. My amendment will provide assistance to the cooperative to replace the equipment destroyed by the storm and allow the victims of the storm to move on to other projects.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed, the hour of 10 a.m. having arrived.

## COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 3026, which the clerk will report.

The bill clerk read as follows:

A bill (S. 3026) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year ending September 30, 1993, and for other purposes.

The Senate resumed consideration of the bill.

### COMMERCE, JUSTICE, STATE APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined S. 3026, the Commerce, Justice, State appropriations bill as reported, and has found that the bill is under its 602(b) allocations in budget authority by $149 million and is under its 602(b) allocations in outlays by $2 million.

I compliment the distinguished manager of the bill, Senator HOLLINGS, and the distinguished ranking member of the subcommittee, Senator RUDMAN, for all of their hard work.

Mr. President, I have a table from the Budget Committee showing the official scoring of the Commerce, Justice, State appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF S. 3026

COMMERCE, JUSTICE, STATE SUBCOMMITTEE SPENDING TOTALS—SENATE REPORTED

[In millions of dollars]

| Bill summary | Budget authority | Outlays |
|---|---|---|
| Domestic discretionary | 16,237 | 15,899 |
| Senate 602(b) allocation | 16,375 | 15,899 |
| Difference | −138 | −0 |
| International | 5,687 | 5,511 |
| Senate 602(b) allocation | 5,695 | 5,511 |
| Difference | −8 | −0 |
| Defense | 934 | 625 |
| Senate 602(b) allocation | 937 | 626 |
| Difference | −3 | −1 |
| Mandatory total | 662 | 654 |
| Senate 602(b) allocation | 661 | 654 |
| Difference | 1 | 0 |
| Bill total | 23,519 | 22,688 |
| Senate 602(b) allocation | 23,668 | 22,690 |
| Difference | −149 | −2 |
| Domestic discretionary above (+) or below (−): | | |
| President's request | −556 | −939 |

COMMERCE, JUSTICE, STATE SUBCOMMITTEE SPENDING TOTALS—SENATE REPORTED—Continued

[In millions of dollars]

| Bill summary | Budget authority | Outlays |
|---|---|---|
| Senate-reported bill | | |
| House-passed bill | | |
| International above (+) or below (−): | | |
| President's request | 24 | 32 |
| Senate-reported bill | | |
| House-passed bill | | |
| Defense above (+) or below (−): | | |
| President's request | 447 | 159 |
| Senate-reported bill | | |
| House-passed bill | | |

### SENATOR WARREN RUDMAN

Mr. DOLE. Mr. President, due to his implending retirement from the Senate, the Senator from New Hampshire is managing his last Commerce, State, Justice appropriations bill on the floor today. When I was the majority leader, I could always count on Senator RUDMAN's skill in guiding the Commerce bill through the Senate with a minimum number of difficulties. No doubt that is one of the reasons why the majority leader asked the Hollings-Rudman team to bring the first appropriations bill to the floor this year.

In the history books, Senator RUDMAN will be well remembered as one of the authors of the Gramm-Rudman-Hollings deficit reduction bill. But no one should forget his distinguished 12-year career on the Appropriations Committee, where he actively contributed to both the Defense Subcommittee and the Commerce, State, Justice Subcommittee. You can be assured that because of Senator RUDMAN's day-to-day efforts, less taxpayer money was wasted and more taxpayer money was wisely spent.

To me the true measure of a fiscal conservative is the number of difficult votes cast. Senator RUDMAN has not shied away from the difficult choices. He has opposed questionable new spending and supported taking a hard look at popular entitlement programs. I think I speak for everyone in this body when I say his courage, fairness, and eloquence will be missed by all who serve with him in the Senate.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise in support of the Commerce-Justice-State appropriations bill reported by the Senate Appropriations Committee.

This bill provides $23.2 billion in new budget authority and $16.9 billion in new outlays for fiscal year 1993 programs of the Departments of Commerce, Justice, and State, the Judiciary and related agencies.

When outlays from prior year budget authority and other completed actions are taken into account, the bill, as adjusted, totals $23.5 billion in budget authority and $22.7 billion in outlays for fiscal year 1993.

This bill provides an 8.7-percent increase in funding for the Department of Justice, a 7-percent increase in the FBI

budget, and an 11-percent increase in the National Weather Service over the fiscal year 1992 funding levels. These increases are a top administration priority.

I appreciate the difficult task faced by the distinguished chairman and ranking member in attaining a well-balanced spending bill, and commend them for reporting a responsible bill, within the subcommittee's 602(b) allocation.

I want to thank the committee for its approval of $173.5 million for the Department of Justice to fully fund the Radiation Exposure Compensation Act of 1990. This is the funding level requested by the President from the allocation for defense, and it is $141 million above the 1992 level.

This act authorizes the payment of claims filed by persons against the Government for health effects associated with radiation fallout from open-air nuclear testing and radiation mining in the Southwest during the cold war.

Many of my colleagues know how long this recognition was forthcoming from the Federal Government. It is extremely important to many people in the Southwest.

I am also pleased that the committee was able to find $2.5 million for the Rio Grande canalization project between El Paso, TX and the Caballo Dam in New Mexico. While the International Boundary and Water Commission which oversees this project is being asked to operate, like many other agencies, will less money than it received last year, the committee did provide vital support for the commission's priority construction projects.

I am disappointed that there is no provision to continue funding for the Boskin initiative to improve Federal economic statistics. This initiative, funded in the budgets of the Census Bureau and the Bureau of Economic Analysis, would allow the upgrading of Federal statistical agencies and the statistics they produce.

Mr. President, poor quality statistics are an impediment to national growth. Wrong signals given to consumers, businesses and policymakers can result in erroneous decisions and a waste of valuable national resources.

Finally, Mr. President, I want to note that the committee provided $200 million for construction of research facilities at the National Institute of Standards and Technology. We call it NIST for short. This is a ninefold increase above the President's request, and will take several years to complete.

This appropriation bill also adds a major new NIST mission in the area of defense conversion, and provides $109 million for that purpose. If the $200 million for construction and the $109 million for defense conversion survive the remaining steps in the appropriations process and become law, they will present an extraordinary management challenge to NIST.

The NIST is a valuable national asset in working with American industry to develop new standards and manufacturing techniques. It is one of many national laboratories using its expertise to help improve American industrial competitiveness.

The committee has agreed to my suggestion that our Congressional Office of Technology Assessment assess the activities or capabilities of NIST and our other Federal laboratories in promoting America's competitiveness. OTA is also requested to report on any duplication of effort that it may find.

The committee approves $229 million to fund a defense economic conversion initiative through the Department of Commerce and the Small Business Administration. While the approval of these funds within the subcommittee's defense allocation is consistent with the 602(b) allocation approved by the full Senate Appropriations Committee, I would note that the administration will take issue with this classification as defense spending as opposed to domestic spending.

Mr. President, I urge adoption of the bill.

Mr. President, this outlines the bill in terms of its budget impact and indicates some very significant assistance in this bill for those who were victims of radiation in the mines of New Mexico, Colorado, and Utah.

Mr. WOFFORD. Mr. President, I commend the Appropriations Committee for recognizing the challenges of a declining defense budget and being willing to help the workers, businesses and communities that will be hurt.

Although Pennsylvania has never been a major beneficiary of U.S. defense spending, many communities will be significantly affected. The assistance provided in this bill will help. Funds allocated toward strengthening our civilian manufacturing base and promoting the development of new technologies and products will bring new jobs to Pennsylvania and other States that have been ravaged by recession, lack of investment, and the loss of manufacturing jobs to other countries.

In the longer-term, public policies that address the broader question of economic growth and industrial competitiveness will do far more to assist Pennsylvania and the Nation. The defense transition assistance being provided today is consistent with those longer term objectives.

I also commend the committee for the inclusion of $5.1 million for the Office of Import Administration for the administration of the cases filed by domestic steel producers under our trade laws. It is unfortunate that these cases had to be filed, at considerable expense to the steel industry, but the fact is that our steelmakers and steelworkers are not playing on an even field. Unfair trade practices by foreign producers cost domestic manufacturers $2.2 billion in 1991 and $108 million in the first quarter of this year.

Years of modernization, streamlining of capacity and the investment of $23 billion over the past 10 years have made our steel industry competitive with that of any other country in the world, including Germany and Japan. We cannot let other nations, that subsidize their industries, dump steel into our market and force our producers out of business. The steel industry is an integral component of our industrial base, and its health is critical to our Nation's economic health. The prosecution of these trade cases will show our trading partners that we are serious about bringing down barriers to global trade in steel. I applaud the Appropriations Committee for working to ensure that adequate resources are available to enable these cases to go forward.

FCC'S PROPOSAL TO REALLOCATE THE 2 GHZ COMMUNICATIONS BAND

Mr. INOUYE. Mr. President, I would like to state for the record my support for the compromise amendment offered by Senator HOLLINGS concerning the FCC's proposal to reallocate the 2 GHz communications band. Senator HOLLINGS has worked hard to protect the use of this band by the electric power companies, railroads, and oil, gas, and water pipeline companies. These utilities provide essential, basic public services, and the reliability of their communications systems simply cannot be diminished. While I also appreciate the desire of Senator DANFORTH to ensure that new technologies have an opportunity to participate in the marketplace, I believe that the current users of this spectrum should not be displaced without ensuring reliability and full cost recovery. I am pleased that Senator HOLLINGS has been able to work out an agreement with Senator DANFORTH that protects the interests of the existing users of the 2 GHz communications band while allowing the new technologies to enter the market on a shared basis.

MISSING CHILDREN

Mr. MCCONNELL. Mr. President, I rise today in support of the committee's recommendation for full funding of programs relating to juvenile justice and missing children.

As many of my colleagues are aware, experts estimate that some 1.8 million children are missing for varying periods each year. About 90 percent run away for a few days and return home. But at least 150,000 are abducted by parents in custody fights, and 20,000 to 50,000 are snatched by strangers—most never to be seen again.

According to the Department of Justice, in 1990 authorities found more stolen cars than missing children. Many of these children meet a tragic fate.

Roughly 10 percent are sexually abused, says the National Center for Missing and Exploited Children.

Dennis Whalen, an Omaha private investigator who has worked on thousands of child-disappearance cases states: "Children have become a product. Some people are willing to pay $20,000 for a child. Mostly, this is for illegal purposes—much of it for reasons of sex. Children as young as 5 or 6 are being used in pornography."

Culprits in these crimes even include child-care workers, teachers, and day care operators—people in whom children place their trust. Needless to say, these positions are well suited for preying on children. That was the primary reason why I introduced the National Child Abuser Registration Act last year. The measure was unanimously accepted by the Senate as an amendment to the omnibus crime bill.

Many stolen children never see their parents again. Even in cases in which a parent takes a child from a former spouse, the child is returned only 10 percent of the time.

More tragic is the fate of those kidnaped by strangers. Citing research by a center named for the son of my personal friend, John Walsh, estimates that 80 percent of such children are murdered within 2 days of their disappearance. His 6-year-old son, Adam, was murdered in July 1981, soon after being snatched from a department store.

Youngsters are abducted from areas thought to be safe—walking to or from school, neighborhood playgrounds, backyards or, as in one California case, a hospital delivery room. The impact on the family of a missing child is devastating.

Police and social service workers say some locales are especially dangerous: carnivals, fairs, shopping malls. Children disappear from shopping carts at grocery stores or when separated from parents in the aisles.

Many communities have started programs urging parents to fingerprint children as an aid to police, should a child ever be missing. In fact, I instituted such a program in Jefferson County, KY, when I was county judge-executive. Police also are beginning to address the problem of parental abductions at a faster rate than they did in the past. In addition, States are cooperating more in honoring other States' child-custody orders.

In the Missing Children's Assistance Act of 1985, we provided money to the States to develop and fully implement missing children clearinghouses, where information about a missing child could be stored and therefore retrieved. Building on this legislation, I introduced a bill that would consolidate information maintained by clearinghouses throughout the Nation. That piece of legislation, the National Child Search Assistance Act of 1990, was approved by the Congress and signed into law by President Bush.

Whereas much is being done in the Congress to address the problem of missing children in the United States, more innovative programs must be developed to curb this continuing trend.

One such program is the Missing and Exploited Children Comprehensive Action Program [M/CAP]. M/CAP is a community-based, multidisciplinary, interagency, case and services management program for missing and exploited children and their families. M/CAP assists communities in determining their need in relation to missing and exploited children. The Office of Juvenile Justice and Delinquency Prevention [OJJDP], functioning with the Coordinating Council on Juvenile Justice, administers this program in various cities throughout the country.

OJJDP, which was established by the Juvenile Justice and Delinquency Prevention Act of 1974, has the mission of improving the juvenile justice community, providing national direction and leadership, and serving as the focal point for coordinating programs related to juvenile delinquency and missing and exploited children. M/CAP is a perfect example of how they are currently discharging their duties that were mandated to them by the Congress.

On June 24, I introduced new legislation which is another innovative method of finding missing children. The legislation, entitled "Kids in Need," would authorize the U.S. Department of Justice to access the Federal Parent Locator Service which is operated by the U.S. Department of Health and Human Services. The Federal Parent Locator Service is currently used by Health and Human Services to locate parents who are delinquent in child support payments by utilizing information provided by the Internal Revenue Services and the U.S. Department of Labor. By allowing the Department of Justice to access this information, OJJDP will be able to locate a parent who has taken a child from a custodial parent. This is done by entering information about the noncustodial parent into an established computer network.

Currently, over 70 percent of all child abduction incidents in the United States involve parental kidnaping.

Kids in Need, and similar pieces of legislation, are steps the Congress needs to take in dealing with missing and exploited children. During the remaining days of the 102d Congress, my colleagues and I will consider many more pieces of legislation to address this problem, most prominent of which is the Juvenile Justice and Delinquency Prevention Reauthorization Package. It is my hope, as a father and a legislator, that positive steps will be taken to aid and educate Americans about the problem of missing and exploited children.

Mr. President, I urge my colleagues to support these programs relating to America's children.

Mr. RIEGLE. Mr. President, I rise in support of S. 3026, the Commerce, Justice, State, and Judiciary appropriations bill. I am especially pleased that this bill contains $229 million in funding for defense conversion programs. Specifically, the bill contains $109 million for technology-related programs to help defense firms convert to nondefense products, $80 million for the Economic Development Administration [EDA] to help communities adjust to defense cutbacks and base closings, and $40 million in loan subsidies to underwrite over $735 million in loan guarantees to help small businesses hurt by defense cutbacks and base closings.

These provisions follow the recommendations of the recent Senate Democratic Task Force on Defense/Economic Transition which was so ably chaired by Senator PRYOR and the 1990 Task Force on Defense Conversion, which I had the privilege of chairing.

The funding provided in this bill is especially important for my home State of Michigan, where we are going through the closure of the Wurtsmith Air Force Base near Oscoda. The EDA funds will help the community of Oscoda plan for and develop a new economic base in their community and the SBA funds will help the small businesses hurt by the closing of Wurtsmith make the transition.

I thank the committee for including these funds for defense conversion in this time of extremely tight budgets. This is an important step in helping to revitalize the economy in the post-cold war era. I will continue to work with my colleagues to do more in this area.

Mr. KERRY. Mr. President, I want to indicate my support for the Commerce, Justice, State, and Judiciary appropriations bill before us today and I want to commend Chairman HOLLINGS' efforts in bringing this bill to the floor and applaud the broad-based support this package has received from a majority for subcommittee and full committee members. I believe the committee reached an acceptable compromise given the nearly overwhelming obstacles in its path.

The committee faced the daunting task of crafting a bill that would distribute fairly funding to a broad array of important and crucial programs within a budget framework of extremely limited resources, compounded by the Congress' failure earlier this year to remove the firewalls, thus retaining the separate spending caps on defense, domestic, and international categories.

While I have some reservations about individuals measures and particular programs, and some real disappointments about some programs and projects I believe to be of very significant benefit—as I suspect we all may

have—I want to highlight what I view as the vital areas that received the committee's attention.

I am privileged to serve as the vice chair of the Commerce Committee's National Oceans Policy Study and through that role I know and value Chairman HOLLINGS' deep commitment to programs that fund the National Oceanic and Atmospheric Administration [NOAA] and the other important marine mammal and fisheries programs. Despite the difficult fiscal times, the subcommittee commendably acted to provide funding increases to some key marine and coastal programs and to assure the continuation of others. However, there were several vital programs that received cuts or no funding at all. I remain hopeful that we can increase funding in some key Commerce programs as we move to conference with the House.

I applaud the committee for providing $7.1 million for the Saltonstall-Kennedy fisheries grants program for which the administration budget included no funds at all. This program is vital not only to New England but to all coastal regions because it provides funding for research to enhance fish stocks, to develop new markets for underutilized fish species, and to assess new fishing gear technologies.

The committee directs $6.5 million to be spent for a comprehensive seafood safety program, over double the $3 million provided last year. I am particularly pleased that the committee is designating $1.325 million of the funds to support the Gloucester laboratory for product quality and safety research.

Also, the bill includes $2.108 million for management of George's Bank fisheries and New England and Gulf of Maine groundfish stock depletion surveys. This is a $1.474 million increase—or roughly a 230-percent increase—over the President's request.

Two additional ocean programs important to my State of Massachusetts that received funding increases are the Marine Mammal Protection Act [MMPA] and the Marine Sanctuaries Program. The MMPA received $7.936 million for implementation, a $474,000 increase over last year's funding level. This includes $500,000 for harbor porpoise research in the Gulf of Maine. And the Marine Sanctuaries Program received a $800,000 increase over last year's levels to $5.8 million.

I also would like to commend the committee for its support of the Sea Grant Program which is funded this year at $42.8 million, $17.775 million above the President's request. The Sea Grant Program has proven itself to be a wise investment. Sea Grant merges the expertise of government, academia, and the private sector to analyze marine issues of vital environmental and economic importance, and I am appreciative for the committee's continued support.

Unfortunately, some other key coastal and oceans program didn't fare so well. Those reduced from last year's funding levels include programs for the Atlantic bluefin tuna, for swordfish east coast observers, and for dolphin safe technologies.

In particular, I was disappointed in the reduction in funding for the Coastal Zone Management Act [CZMA]. Through CZMA, the coastal States and NOAA have worked cooperatively and productively to preserve, protect, develop and, where possible, restore or enhance our Nation's coastal resources. The national CZM Program is a vital defense against the constant and growing pressures on the fragile and finite coastal zone.

Twenty-four Senators joined me in sending a letter in support of increased funding for this small but extremely effective program to protect our national shoreline. While the CZM Program didn't receive the increased funding we felt was necessary, I am hopeful that we can better these numbers in conference.

Finally, I look forward to working with Chairman HOLLINGS, Chairman BYRD, and ranking members RUDMAN and HATFIELD in the hope it will be possible to find a way to continue support for the Marine Biomedical Institute for Advanced Studies at the Marine Biological Laboratory [MBL] in Woods Hole, MA, for which funding was included in the House bill. The MBL is one of the most important ocean-related research institutions in the world, and plays a vital role in conducting the research that is critical to maintaining the ocean environment and resources.

Last year, funds were appropriated to MBL to continue construction of phase 1 of the MBL expansion, the Marine Resources Center, which now is nearly completed. This new facility will replace the deteriorated center originally built in 1924, through which the MBL collects and distributes over 100,000 organisms each year to the National Institutes of Health and researchers at universities across the United States.

As contemplated in the 1988 authorization for the Marine Biomedical Institute for Advanced Studies project, additional Federal funds are needed to complete phase 2, the Advanced Studies Laboratory [ASL]. This facility will provide new laboratory space needed to accommodate specialized equipment essential to modern molecular research. The Advanced Studies Laboratory will make a very valuable addition to the world-renowned Marine Biological Laboratory, and I have high hopes the wherewithal can be found to permit it to be completed. I look forward to working with the committee to this end.

As chairman of the Subcommittee on Terrorism, Narcotics and International Operations, I want to thank the subcommittee and the full Appropriations Committee for the way in which this bill reflects authorization levels established in the Foreign Relations Authorization Act last year and the supplemental for peacekeeping passed earlier this year. The committee has appropriated $25 million for new posts for the Department of State and USIA in the former Soviet Republics. I applaud the funding of these urgently needed diplomatic missions.

The committee has also provided an additional $700,000 for the Vietnamese Scholarship Program, which was created last year in the Foreign Relations Authorization Act for fiscal years 1992–93. This increase, which brings the total for the program to $1 million, will enable the number of students to be at least doubled from 15 to 30. As chairman of the Senate Select Committee on POW/MIA Affairs, I believe that this program enhances our overall relationship with the Vietnamese and our ability to encourage greater Vietnamese cooperation on POW/MIA accounting.

The committee has provided $30 million to the State Department's Bureau of Oceans and International Environmental and Scientific Affairs [OES] bureau for environmental research. The need for this research was highlighted at the recent U.N. Conference on Environment and Development [UNCED] meeting in Rio. I strongly support the committee's decision to fund this vital research effort.

Finally, I would like to congratulate the subcommittee chairman, the Senator from South Carolina, for limiting the State Department's use of the emergency account—the so-called K-Fund—for representational purposes. Last year's Foreign Relations Authorization Act opened up the spending records of this account to urgently needed public review. That review has shown that the taxpayers' hard-earned dollar too frequently has been used frivolously. The limitation placed on spending in this bill is an important and much-needed step to eliminate this waste.

One of the most important areas of government activity covered by this appropriation bill is law enforcement. This year we will be spending over $9.4 billion for that purpose, a 9-percent increase over last year. I wish I could say we did not need this money, but unfortunately, we have made all too little progress in increasing the personal security of Americans across the Nation, and this budget reflects that.

I do note one important initiative which is being funded by the committee. This year, the committee is recommending an increase of over $18 million for the investigation and prosecution of financial institution fraud, to a total of $278 million.

As Woody Guthrie once wrote, "Some will rob you with a six-gun and some with a fountain pen." All too many fountain pen robbers have flourished in

the 1980's, especially criminals who managed to rip off the taxpayers for tens of billions at banks and savings and loans. The Justice Department has not been as quick to prosecute these cases—or as tough in so doing—as many of us believe it should have been, but we in the Congress are at least doing our part to provide Justice with the resources it needs to go after these corporate criminal kingpins—and to try to get as much as possible of the money they stole from us back for the taxpayers.

I also note that the committee has continued some other, smaller programs, aimed at finding missing children, responding to the problems of child abuse and violence against children, and combating delinquency. Too many American children are being denied the most basic personal right because of threats to their safety and security from sexual and physical abuse and from drugs and crime. Our entire society will live with the consequences of what they have been through for so long as they are among us. This is an area where we are making some difference—but this is one priority that needs to be made a very high priority, which means in the future we must shift funds from other Government programs to do more to help these children.

In closing, Mr. President, I once again commend the able Senator from South Carolina, the chairman of the subcommittee. He is a real leader, a strong and courageous figure in this institution, and a good friend. I commend the other members of the subcommittee, and its staff, particularly Scott Gudes who has been generous with his time and attention. The bill they have brought to the Senate is a very good bill, and one over which they have labored conscientiously. Indeed, in light of the oppressive fiscal realities which they were forced to confront, the bill is a very impressive accomplishment.

I believe I convey sentiments shared by virtually all of my colleagues when I express sincere thanks to them for their efforts. I look forward to working with all of them as the process continues toward enactment.

Mr. BENTSEN. Mr. President, last night and this morning, the Senate has considered an amendment to the pending legislation, the departments of Commerce, Justice, State, the Judiciary, and related agencies appropriations, fiscal year 1993, that would, in effect, repeal the Assault Weapon Manufacturing Strict Liability Act of 1990 previously adopted by the District of Columbia.

Last night, I voted in favor of a point of order supported by the distinguished managers of the pending legislation that the assault weapon amendment was not in order because it called for legislation in connection with an appropriations bill. However, my vote in support of the point of order does not reflect my disagreement with the substance of the assault weapon amendment; rather, as my vote today in favor of the amendment indicates, I do support a repeal of the D.C. law, which I believe is unwise as a matter of public policy and constitutionally infirm.

Mr. DANFORTH. Mr. President, I join Senator DURENBERGER who yesterday urged the Justice Department to provide the funds necessary for the enforcement of two of the most significant civil rights laws passed by Congress. As one of the principal sponsors of the Civil Rights Act last year, I am disappointed that the committee has not provided the Equal Employment Opportunity Commission [EEOC] funds adequate for vigorous enforcement of the Civil Rights Act of 1991 and the Americans with Disabilities Act [ADA].

As a result of the passage of these laws, the Commission has seen a dramatic increase in its workload, with an expected increase of up to 20 percent by the end of the year. Without additional revenues, EEOC cannot effectively manage this increase, and thus will fail to enforce these important civil rights laws effectively.

By underfunding EEOC, we are doing Americans a grave injustice. Without the additional funds, Americans who turn to the Commission for help will have to wait an average of 39 months to have their cases investigated. Mr. President, this is not just.

Congress cannot pass laws and then fail to give the responsible agency the resources necessary to vigorously enforce them. Administrative agencies exist in order to decrease the amount of litigation resulting from federal antidiscrimination laws. I believe the dollars spent at EEOC will save our economy litigation expenses that would be spent in the Agency's absence. For the past 10 years, the EEOC has been an effective enforcement agency, and, without enforcement, the work we did last year to enact critical civil rights laws will have been in vain.

ANNOUNCEMENT OF POSITION ON A VOTE

Mr. BRYAN. Mr. President, due to a delay on my flight here from Nevada, I regretfully missed a vote taken yesterday, vote No. 152. Absent the airplane's mechanical problems which lead to the delay, I would have been available to vote when the vote began.

On vote No. 152, I would have voted "nay."

Mr. ROCKEFELLER. Mr. President, I want to commend the Senator from South Carolina [Mr. HOLLINGS] and the Senator from New Hampshire [Mr. RUDMAN] for their successful effort to develop a bill that addresses many of the country's critical technology priorities.

This is a matter of particular interest to me, Mr. President, because of my involvement in developing the national economic leadership strategy, which the majority leader announced on July 1.

That announcement represented a turning of the corner in the national competitiveness debate. The argument over whether we have a problem is finished.

The national economic leadership strategy begins the debate over solutions.

Whether you believe that U.S. productivity, growth, manufacturing, and technological innovation are deteriorating, or that other nations are simply moving faster than we are and catching up, we have a serious competitiveness problem by virtually any measurement one uses. Unless we act quickly to rebuild our manufacturing base and the high-quality jobs that go with it, our children will be the first generation in our history to have a lower standard of living than their parents.

That matters because we are stewards for their future. It also matters because the end of the cold war means that economic power will define global leadership in the future. Our ability to continue to play the lead on the world's stage will depend on our economic strength. I believe in American leadership. The world is a freer and better place because of it. But if we want it to continue, we must get our economic house in order.

This national economic leadership strategy starts us down the right road. Its 30 proposals focus on 5 key categories: high-technology research, product development and commercialization, manufacturing process and extension, worker education and training, and export and trade policy. This comprehensive approach brings together a wide range of proposals, some new and some already making their way through the legislative process. The strategy serves as a blueprint for bringing our technology and manufacturing base up to world class standards, and for creating a well-educated and skilled work force.

In the next century, infrastructure will be telecommunications and information, fiber optics and computers, in addition to roads and bridges, concrete and steel. These are the things that will drive our economy and create good jobs in the future.

The national economic leadership strategy expands our research and development efforts in these critical technologies, and it proposes important new initiatives for turning laboratory ideas into marketable products. We are all familiar with examples like the VCR and the facsimile machine—products invented here and produced elsewhere.

This matters because product sales and the profits they make generate the investment that will create the next generation of technology. Companies do not undertake research and develop-

ment out of whole cloth. If we do not make anything, ultimately we won't be inventing anything either. That is why our strategy is directed at manufacturing technology and commercialization and not just at generic, precompetitive research and development.

It is precisely in these areas that the pending bill makes important progress, largely through the additional $229 million appropriated for defense economic conversion programs. These programs, included in the report of the taskforce headed by the Senator from Arkansas [Mr. PRYOR] are the same as a number of the proposals in the national economic leadership strategy. As embodied in the Committee bill, they include an additional $109 million for the Advanced Technology Program, the manufacturing technology centers—the so-called Hollings centers—and the State Technology Extension Program. The ATP is the basic National Institute of Standards and Technology, NIST, grant program for research in advanced critical technologies. The other two programs disseminate advanced manufacturing process technology to the private sector, so that the latest innovations get broad circulation in our manufacturing community. Additional funding for these programs was a key recommendation of the economic leadership strategy, and I am delighted the committee has found room for it in their allocations.

I would also note, Mr. President, that these funds are in addition to the normal appropriations for these programs, which themselves are, for the most part, increased over fiscal year 1992 levels, another sign that the Appropriations Committee and the Senators from South Carolina and New Hampshire take our competitiveness crisis seriously.

There are, in addition to these three programs, many other parts of the national economic leadership strategy now making their way through the Congress. One of them, for example, the Technology Transfer Improvements Act, will be the subject of a hearing in the Judiciary Committee on July 28. That bill was previously reported by the Commerce Committee, just as the committee also reported and the Senate passed, S. 1330, which contains many of the other economic leadership strategy proposals in the critical technology and manufacturing process areas. Since that bill, of course, has not become law yet, the Appropriations Committee can hardly be expected to fund it, but we will be back next year on behalf of that one. In the meantime, I think it is commendable that the committee has been so responsive with respect to programs that are already in law.

While I am here, Mr. President, let me also commend the Senator from South Carolina and the Senator from New Hampshire for their close attention to our country's trade problems in their decision to provide additional funds for the Commerce Department's enforcement of our antidumping and countervailing duty laws. The decision to put an additional $5 million into the effort is particularly important for West Virginia because of the 84 trade complaints just filed by the American steel industry to counteract the massive dumping and subsidizing occurring in that sector. These additional funds will enable the Department to investigate those cases in a timely and effective manner, which will make a tremendous difference in our seemingly never-ending fight to create market-based trade in steel.

Taken together, the components of the national economic leadership strategy will lead to more high quality jobs for Americans, jobs that will keep us growing and prosperous into the 21st century. That is our most fundamental obligation because we are stewards of this country for our children. We owe it to them and to ourselves to plan for the future to insure that the next generation will inherit a strong and prosperous America. The national economic leadership strategy is a road map to achieve that goal, and the pending bill takes several important steps toward its implementation.

Mr. MACK. Mr. President, the Commerce, State, Justice appropriation bill for fiscal year 1993 provides funding for the Economics and Statistics Administration of the Department of Commerce. The recommendation made by the Appropriations Committee is slightly lower than last year, which is similar to the committee's recommendation for many of the areas covered by this bill and is a policy with which I am in general agreement.

I want to bring to the Senate's attention, however, some of the implications of this recommendation. The Economics and Statistics Administration is the source of a large share of our Nation's economic statistics. It funds both the Bureau of Economic Analysis and the Bureau of the Census.

The level of funding received by the Commerce Department will, I am told, cause many efforts to improve data collection by these Bureaus to cease. These will include efforts to improve the quality of our Nation's statistics which were a result of bipartisan support.

I am also informed that it will cause the elimination of certain reports, including the monthly composite index of leading indicators, the Bureau's regional statistics, and many of the reports on foreign trade. For other reports, it will mean less thoroughly analyzed data and delays in their release.

There are many reasons why we should be concerned about the loss of these statistics, perhaps most notably that bad data is the foundation for bad policy. Despite this, Congress continues to demand data from the Commerce Department—and other agencies as well—but does not provide the resources to develop the data.

One of the effects of this practice is that grant programs which are allocated on the basis of ESA data may end up distributed in a fashion different from which Congress intended. ESA does not have the resources to keep up with dramatic changes that occur in the demographic makeup of States.

As an example, fast-growing States like mine send tax dollars to the Federal Government and have them returned via formula-based grants. Many of these formulas incorporate ESA statistics which, if flawed, distort allocations that States such as Florida receive.

I fully support efforts of all parts of Government to share in the burden of reducing the deficit. But if Congress is unwilling to fund the development of reliable statistics, we should use caution in basing Government programs or policies on those statistics.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Florida is to be recognized to offer up to three amendments, if he so chooses.

Mr. GRAHAM. Mr. President, I am bringing to the attention of the Senate, through a series of amendments that I will be offering, the issue of congressional reestablishment of our credibility relative to the reduction of the Federal budget deficit.

We received, last week, some information that the good news is that, in fact, fiscal year 1992 may not be the biggest deficit year in the history of the Nation. The bad news was the reason why that would be the case. The reason is because we are deferring from fiscal year 1992 to fiscal year 1993 somewhere between $40 and $60 billion of the cost of the savings and loan bail out. That virtually guarantees that 1993 will be the record year in terms of Federal budget deficit. It guarantees that over the period of the administration of George Bush, we will have added in excess of trillion dollars to the Federal budget deficit.

Mr. President, we recently had a very contentious debate, both in the House and in this Chamber relative to the issue of a balanced budget amendment. Some of the flavor of that debate was captured in a column which appeared in the Washington Post by Hobart Rowen.

He stated:

> The so-called balanced budget amendment that Congress appears ready to push through is the ultimate cop out by frustrated legislators who lack the political guts to restore fiscal sanity the hard way by their votes to raise taxes or cut spending. The proposal is a fraud, which, if enacted, could trigger the exact opposite of the intended result—economic uncertainly, loss of jobs, and a financial market crisis.

Mr. Rowen goes on to quote Robert Reischauer, the Director of the Con-

gressional Budget Office. Mr. Reischauer is quoted as observing:

In this election year, it would be a cruel hoax to suggest to the American public that one more procedural promise in the form of a constitutional amendment is going to get the job done. The deficit cannot be brought down without making painful decisions to cut specific programs and raise particular taxes.

Mr. President, I believe that the Senate's vote on the balanced budget amendment, which was a vote not to invoke cloture and allow that item to be voted on, places a particular responsibility on us now.

And "now" is to do the hard things that Mr. Rowen and Mr. Reischauer talked about to be prepared to take the painful cuts in order to show our credibility to the American people that we are prepared to deal with what most have identified as the No. 1 domestic challenge and the primary barrier to the achievement of many of the very objectives of this legislation, and that is a stronger, more prosperous America.

Mr. President, Congress is an institution which by its nature is inductive and incremental. We deal with crunches of matter, policy issues, and budgets as they come to us one by one. One of the criticisms of the proposal that I am about to make is that it is not comprehensive, that is does not deal with the full array of items which should be on our agenda. I agree that it is deficient, but I would suggest that if we were to take that position that the only time that we would deal with the issue of the budget deficit when we can do it comprehensive, I feel we will have to do what we have done for most of the last 30 years and that is that we will never deal with the budget deficit, that the only way in which the Congress is going to take effective action is going to be in the manner that I am suggesting today, bit by bit, piece by piece.

I also suggest that unless we are prepared to take the kinds of steps that I am suggesting today, we will never have the credibility or the political capital to do the more difficult things. We know exactly what is going to happen when someone proposes a constraint on entitlements, what exactly is going to happen when somebody proposes newspaper taxes and that is have you taken all the steps that could have been taken to reduce spending. And unless we can give a credible answer to that question, we are never going to get to the next step that we will be required to constrain an almost $400 billion Federal budget deficit.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. GRAHAM. I yield.

Mr. HOLLINGS. As I understand the agreement, the Senator was to propose the amendment. Do we have the amendment proposed?

Mr. GRAHAM. I will propose the amendment at the conclusion of my remarks.

Mr. HOLLINGS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. KERREY). The Senator will state it.

Mr. HOLLINGS. Then does the time run from the time the Senator talks or from the time he proposes the amendment?

The PRESIDING OFFICER. The time under unanimous-consent agreement begins when the Senator proposes the amendment.

Mr. HOLLINGS. I see. He can talk as long as an hour or so, propose an amendment, and get another half hour and we are limited to a half hour; is that it?

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. That is clever.

Mr. GRAHAM. Mr. President, it is not my intention to engage in any parliamentary subterfuge. I was waiting to propose my amendment at the conclusion of my general remarks. I ask unanimous consent that my half-hour time commence at the time that I began my remarks.

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

Mr. GRAHAM. Mr. President, the scale of this problem is so great that we have already recognized it by the adoption of a deficit reduction call for debate which was in part authored by the ranking member of this subcommittee and in that resolution we, the Senate, adopted this statement. That the frequency and level of public comment on this issue by public officers and candidates, including those who hold and seek the office of President, is so insignificant as to constitute irresponsibility that, by and large, the candidates, Congress, and the media have ignored and trivialized the issue, the trivializing suggestions that meaningful deficit reduction can be accomplished merely by attacking waste, fraud, and abuse, entitlement and interest spending are the fastest growing component of the Federal budget an existing reckless policy cannot be addressed in meaningful way without including consideration of restraining entitlements, increasing taxes as well as reducing defense and domestic spending. That is the resolution we have adopted.

The extent of the challenge that we face is mirrored in the kind of action which State governments have already had to take. State governments, of course, do not have the benefit that we do of being able to finance their deficits by running the Federal printing press. They do not have the constitutional authority to print money. So they have had to deal with the issues of budget constraints.

And what have they done? I will take two examples.

California has enacted a series of across-the-board reductions on agency funding in each of the past several years. In 1989, a 2-percent across-the-board reduction; in 1990, a 3-percent across the board; in 1991, a 4-percent across the board.

We are all familiar with the fiscal crisis of California today resulting in the State issuing IOU's, a gridlock in terms of developing the State budget. It is estimated that in order to close the gap, it would necessitate spending cuts of as much as 15 percent across the board.

Mr. President, California is not the only State. Virtually every State has been facing these types of economic constraints.

In my own State of Florida, in the area of education funding, our State has suffered a $161 million reduction in education funds in 1989, $429 million in 1990, and $658 million in 1991, as our State has suffered to deal with the issues of the budget realities.

Mr. President, I believe what we are facing here is essentially an ethical question. I was asked during a recent breakfast in Orlando what was the most significant ethical issue that I had faced as a Member of the U.S. Senate. Mr. President, I did not give a very adequate answer to the question, and I have pondered it since it was asked.

In reflection, it is clear what the principle ethical issue that we have faced, and that is the ethical issue of our generation's responsibility to the next generation. Essentially, what we have been doing is saying that the benefits of spending today are worth asking our grandchildren to pay for $1 out of every $4 of those expenditures.

I wonder what is the ethical right of one generation to make that kind of demand on another. The history of this country has been just the opposite, that the current generation sacrifices, defers benefits, invests for the future. We have adopted a policy of mortgaging the future of our grandchildren without asking their permission to do so.

So it is within that context, Mr. President, that I propose the beginning of what I consider to be the minimal steps that we should take in order to suture this enormous Federal budget deficit, and, that is, beginning the process by stabilizing the overhead of the three agencies which are the subject of the appropriations before us today and commencing that process by applying that policy consistently to the other agencies of the executive branch and to the Congress itself.

Why is the stabilization of overhead and general administration costs and a proper place to begin the long and difficult process of bringing control to Federal spending?

Overhead has been identified by virtually every economic investigator as the appropriate commencing point for

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this long effort. It was identified in the Grace Commission report and in its book called "Burning Money." It has been identified in "The Challenge of Sound Management," the report of the Task Force of Government Waste by the Democratic caucus in the House of Representatives. And it has been identified by Gov. Bill Clinton in his economic positions as a candidate for President of the United States.

This is what Governor Clinton says, we must cut the bureaucracy, limit special interests, stop the revolving door and cut off the unrestricted flow of campaign funds, the privilege of Government service ought to be enough of a perk for people in Government. I will take the following steps: staff reductions, I will reduce the White House staff by 25 percent and challenge Congress to do the same; eliminate 100,000 unnecessary positions in the bureaucracy, I will cut 100,000 Federal Government positions through attrition; cut administrative waste, I will require Federal managers and workers to achieve a 3 percent across-the-board administrative savings in every Federal agency.

That is what candidate for President of the United States, Gov. Bill Clinton last stated as a key part of his plan to bring economic sanity and the future for economic prosperity to our country.

How do you deal with the issue of cutting out waste and overhead?

As Governor for 8 years of the State of Florida, I found there were essentially two ways: One is the scalpel approach in which you take a complex budget, disaggregate it, and look area for area for areas of increased efficiency, productivity, and the elimination of waste. Many of those suggestions are contained in the Grace Commission and in the task force report from the House of Representatives. Frankly, I would declare the inability to do that relative to these three budgets.

It was only the end of last week that we received the copy of the committee report and could begin to process. But even had I had adequate time, I do not purport to have the resources or ability to do that kind of scalpel approach. And I found, as Governor of Florida, with the time and resources and ability, that was a difficult process to follow.

Rather, I suggest the second approach, and that is the freeze approach, where you tell an agency you will have no more money than you had last year and therefore any increases, any new initiatives, any salary increases, any new personnel that you wish to employ, any new kind of expenses that you will undertake, have to be achieved by eliminating a current area of expenditure. That concept of freeze and force agencies to redeploy is the essence of the amendment which I am offering.

I might say, Mr. President, that his is a process that is receiving significant support from the other Chamber. The House of Representatives has been adopting policies that are moving not as far as I will suggest but in the direction of a freeze on overhead and general administrative budgets.

AMENDMENTS NOS. 2765, 2766, AND 2767

Mr. GRAHAM. And so, Mr. President, with those opening remarks, I send to the desk three amendments. The first amendment relates to the Department of Commerce. On behalf of Senator PRYOR and myself, we propose to freeze the general administrative budget of the Department of Commerce at its fiscal year 1992 level. Senator PRYOR and I will also send a second amendment which would accomplish the same for the Department of Justice; and a third amendment for the Department of State.

Mr. President, I send the amendments to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself and Mr. PRYOR, proposes amendments numbered 2765, 2766, and 2767, en bloc.

The amendments follow:

AMENDMENT NO. 2765

(Purpose: To reduce an appropriation for Department of State)

On page 78, line 22, strike out "$2,101,000,000" and insert in lieu thereof "$2,016,035,000".

AMENDMENT NO. 2766

(Purpose: To reduce an appropriation for Department of Justice)

On page 6, line 10, strike out "$118,234,000" and insert in lieu thereof "110,100,000".

AMENDMENT NO. 2767

(Purpose: To reduce an appropriation for Department of Commerce)

On page 50, line 26, strike out "$32,654,000" and insert in lieu thereof "31,280,000".

Mr. HOLLINGS. Mr. President, I have heard about this incremental, and I am looking at these letters of increment from the Senator from Florida. I keep going down these different requests here that the distinguished Senator from Florida has asked.

I ask unanimous consent to have these letters 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 23, 1992.*

Hon. ERNEST HOLLINGS,
*Chairman, Justice, State Subcommittee, Committee on Appropriations, U.S. Senate.*

DEAR MR. CHAIRMAN: As follow-up to our discussion last week regarding the University of Miami's North-South Center, I appreciate your continuing support for the Center and your efforts to sustain appropriate funding.

The United States Information Agency has embraced this project and is actively involved with its programs. USIA has included $10 million for the North/South Center in its FY 1993 spending plan. I hope that you will find it possible to provide for USIA's $10 million request in your bill.

Thank you again for your continuing support.

Sincerely,

BOB GRAHAM,
*U.S. Senator.*

U.S. SENATE,
*Washington, DC, April 1, 1992.*

Hon. ERNEST F. HOLLINGS,
*Chairman, Subcommittee on Commerce, Justice, State and Judiciary, Committee on Appropriations, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Enclosed is a letter from the Speaker and the President of the Florida Legislature outlining their concerns about limits placed on legal service organizations. As Chairman of the Appropriations Subcommittee with jurisdiction over funding legal services, this should be of interest to you.

The Legislature is opposed to any limits on lobbying at the state level by legal service organizations, and I am sympathetic to their position. These groups provide important information to policy-makers and should not be precluded from appearing before legislative panels.

As your subcommittee considers funding for legal services organizations, I hope you will oppose any overburdensome restrictions on their ability to communicate information to the legislative branch.

With kind regards,

Sincerely,

BOB GRAHAM,
*U.S. Senator.*

THE FLORIDA LEGISLATURE,
*Tallahassee, FL, March 17, 1992.*

Hon. BOB GRAHAM,
*U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR GRAHAM: We have been informed that Congress will soon be considering legislation which would provide funding for legal services for those who are unable to afford the assistance of counsel. We understand that as an amendment to this legislation, Congress may seek to limit the ability of legal service organizations to lobby at the state level.

On behalf of the membership of The Florida Senate and the Florida House of Representatives, we would like to express our concern with any overbroad limitation on the ability of the Members of The Florida Legislature to obtain information essential to arriving at informed answers and solutions to the problems faced by the less fortunate citizens of Florida. At a minimum, we would ask that those employed by legal service organizations be available to respond to state legislative inquiries on issues in which they have developed particular expertise. In our experience, these issues have generally involved landlord/tenant disputes, migrant labor, legal process and procedures, and family law. These are issues which are of great concern to our citizens and upon which all sides of the issue must be fully understood.

Thank you for any consideration you can give to this issue. If there is any way we can assist you, please let us know.

Sincerely,

T.K. WETHERELL,
*Speaker, Florida House of Representatives.*

GWEN MARGOLIS,
*President, the Florida Senate.*

U.S. SENATE,
*Washington, DC, May 1, 1992.*

Hon. ERNEST F. HOLLINGS,
*Chairman, Senate Appropriations Subcommittee on Commerce, Justice, State and Judiciary, Washington, DC.*

DEAR MR. CHAIRMAN: As you begin hearings for the fiscal year 1993 Commerce, Justice, State, and Judiciary appropriations bill, we would like to bring to your attention issues of importance to both of us.

When considering the budget for the Immigration and Naturalization Service and related agencies under the Department of Justice, we would appreciate your attention to the overwhelming pressure on the Florida district as a result of the tremendous legal and illegal immigration increases and the rapid growth in dependence on Florida's airports as entry points for international visitors. We hope the Subcommittee will help to ensure that the Justice Department completes its movement toward apportioning its staff among the nation's districts through a process which directly correlates to the demands placed on each district. We also recognize the overall staff limitations facing the Immigration Service and believe that a funding increase would serve the national interest. The growing delay at major points of entry is a strong disincentive for foreign visitors to come to the United States on either pleasure or business. We believe the best solution is to ensure that adequate inspections staff is in place at each such overburdened entry point.

We appreciate the Committee's actions last year to include $5 million for the North/South Center, based at the University of Miami's Graduate School of International Studies. This program has been embraced by USIA as is evidenced by the $10 million request made in the President's FY 1993 budget. This funding combined with prior year appropriations, will allow the Center to expand its education, training, cooperative study, and public outreach programs.

One of our highest environmental priorities continues to be the protection of the Florida Keys coral reef tract. The Florida Keys National Marine Sanctuary, designated by Congress in 1990, has support in Monroe County, Florida from a broad range of commercial, conservation, and recreational interest groups. An advisory counsel representing each of these interests has been assembled to assist the Department of Commerce with development of a management plan for the sanctuary.

We are pleased that the President's budget included an increase in the level of funding for the National Sanctuary Program to $7.5 million. An independent panel assembled by the Department of Commerce suggested the program be funded at $30 million. We are aware of the budget restraints placed on the Subcommittee, and therefore are requesting a more moderate appropriation of $11 million for the nationwide program.

Florida is also the home of one of the leading marine and atmospheric science research, education, and training centers in the nation. The Rosenstiel School of Marine and Atmospheric Sciences at the University of Miami has been working closely with a number of federal agencies on a variety of programs. One such program is the School's successful fisheries program with NOAA, known as SEFCAR/FOCI, created to enhance critical fish populations in the Southeastern U.S. and Caribbean/Latin American regions. We respectfully request continued funding for this project with the NOAA budget at a level of $2.5 million.

As in previous fiscal years, we again want to add our support for NOAA's Sea Grant and National Undersea Research Programs. Florida has an active role in each of these programs, and their funding and support by the Committee has enabled Florida to fully participate in both.

We request $225,000 for the Center for Shark Research at Mote Marine Laboratory in Sarasota, Florida. This funding will assist in expanding research programs, and acquiring major new equipment to support continuing and upcoming research projects. As you may know, a national center for research on sharks has been established at Mote Marine Laboratory in cooperation with the National Marine Fisheries Service, NOAA, and U.S. Department of Commerce. The federal share of this project is less than half of the projected FY 93 budget of $675,000 for this important research.

A planning grant of $500,000 is requested for Florida Atlantic University to support the furtherance of the existing ocean technology center in the Department of Ocean Engineering at Florida Atlantic University. To be located in the Florida Atlantic University Research Park, the envisioned ocean technology center will create an infrastructure to support ocean engineering research and technology transfer to the marine science, environmental and industrial communities with a particular emphasis on contributing to global competitiveness.

As we requested in FY 1992, Florida State University is attempting to establish a relationship between the federal government and their Meteorology Department. To do so, we would like to have language directing that NOAA work with Florida State University in developing either a new NEXRAD system or the movement of an excess system to Florida State University.

The Coastal Zone Management Program is exceptionally important to Florida. The entire state is part of the coastal zone, and the program is a valuable tool for the management of activities that affect Florida's interests. We recommend an increase in overall funding for the federal portion of this program.

Thank you in advance for your consideration. If you have any questions or need further information, please contact either Jeremy Bronson (Graham) at 4-1546 or Patrick Kearney (Mack) at 4-3102.

Sincerely,

BOB GRAHAM,
*U.S. Senator.*
CONNIE MACK,
*U.S. Senator.*

Mr. HOLLINGS. That is the incremental that we suffer under our most distinguished colleague.

When Senator RUDMAN and I sat down, after all the work we had done, we added up some 635 requests to the tune of $8.5 billion in add-ons. So the lecture relative to incrementalists in Government is well experienced and well resisted by this Senator.

If you really want to get to the deficit—now is not the time to play the games when we have done a good job of cutting back on the spending. If you really want to get to the deficit, we tried it in the Budget Committee in a bipartisan fashion.

Incidentally, I had the support not only of the Senators from Nebraska and Alabama and several on the Democratic side, but the Senators from New York, Missouri, and others on the Republican side, going right at the target.

There is an old saying that we used to hear as kids listening to the radio, Big John and Sparky. "All the way through life make this your goal: Keep your eye on the donut and not the hole."

At this particular moment the donut is to stimulate this stagnant economy. This Senator has been here shouting about these deficits for a good 12 years, opposing Reaganomics, putting in freezes, putting in Gramm-Rudman-Hollings, and more.

But the donut, the task at hand, is to stimulate the economy. And if you had a $10 billion, $15 billion, $20 billion deficit, you would add $20 billion to the deficit. And the savings on the Commerce Department under this first amendment is less than $2 million. If you want to talk about incremental, we would be around here for the next 200 years with deficit reduction of that minuscule increment.

What we did in that bipartisan plan, so we will get in step with my distinguished friend, is we said, yes, cut across the bureaucracy some 10 percent; cut defense, but no deeper than President Bush's figure; yes, cut intelligence some $2 billion; yes, freeze domestic spending, freeze foreign aid. We saved some $20 billion and allocated it to investment-oriented tax incentives including reduced capital gains taxes, investment tax credits, accelerated depreciation, individual retirement accounts, restoration of passive losses on real estate, tax credits for first-time homebuyers—all of it, and hope you can get us out of the ditch here. Because that is where we are.

Half of our problem is this deficit, of course, and the other half is a lack of a competitive trade policy. So we are in deep trouble in this country. The ox is in the ditch. And we are in step in trying to cut spending, not in flagellating and demonstrating and grandstanding out here about a pathetically small $1.7 million in spending.

When Ms. Barbara Franklin came in, I said, now we have moved from the cold war to the trade or economic war. You are Gen. Colin Powell, the Chief of Staff now, and we have to gear you up. I want to build up the Commerce Department. We did cut, because we cut 2 percent across all of them. And looking at that one, we cut $3.375 million, almost twice as much as what he is asking for, from the President's request.

Why were we gearing up? Because the very same Senator from Arkansas—and I want to thank him for his praise about technology—but we are beefing up the National Institute of Standards and Technology, the advanced technology program, the manufacturing technology centers. We are moving forward with the antidumping findings now. And they finally made a finding

on the minivan. They are finally getting in business, so the steel companies are all calling for scrutiny. So we gave another $5 million in that area. And we are trying to turn the Commerce Department into an aggressive agency in this economic struggle that we are in.

So this amendment is not well taken at all. This amendment is strongly resisted. I know where I can save that amount on some of the requests made by certain Senators here. But we are trying our best to bring in a bill after all this hard work.

The inference here is that we have not looked or that we are not conscious about the dilemma that the country finds itself in. You are worried about $1.7 million in the Department of Commerce. I am worried about the $400 billion deficit which we are financing with 8 percent T bills. That 8 percent Treasury bill is $32 billion in interest costs that we are increasing spending for nothing, absolutely nothing—the Grace Commission, waste, fraud and abuse. Where is Peter Grace? I have not heard him on that.

Oh, we had it working. We had Gramm-Rudman-Hollings. We cut that deficit down to $150 billion in the first full year. But the summitteers undid Gramm-Rudman-Hollings. Do not talk about the gridlock. It is when Republicans and Democrats get together, Mr. President, that we are in trouble. They got together and did away with Gramm-Rudman-Hollings and as a result we have gone from a $150 billion deficit to over $400 billion in deficit spending this year.

The President of the United States last year said that this country is headed in the right direction, that we are reducing the deficit $500 billion over 5 years. Absolutely false. Absolutely false. I said so at the time on the floor.

We are headed in the wrong direction, increasing the deficit $500 billion in 1 year. Because if you leave out these trust fund surpluses, $500 billion is the true deficit. We are borrowing $1 billion a week from Social Security, and more from the other trust funds.

So Senator RUDMAN and I, we are going to get our Social Security. But that young lady there, she is not going to get hers. We can quit this afternoon and get ours.

It is a disgrace. We will owe Social Security, in 7 years, by 1999, $1 trillion. And when they go in the drawer to get the money, having all these IOU's there, they will turn the trust funds into a welfare fund, and say all who make over $15,000 do not need it, and that kind of thing.

In fact, that is what they are talking about—entitlement. Social Security—there is no deficit in Social Security. Social Security is not causing the deficit. Senator MOYNIHAN and I tried to point that out, and they opposed that. The leadership and the White House got together and said: Do not mess with Social Security. We tried to stop an increase in Social Security taxes and put it totally off as a trust fund.

So now is not the time to get the good Government award because I stood on the floor of the Senate and I said we have to finally do something. It is all incremental, and I am going to start with my increment. I know where we can start: With the distinguished Senator's increment.

We will see.

Let me reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Hampshire.

Mr. RUDMAN. Mr. President, I just want to correct one thing the Senator from South Carolina said.

Mr. HOLLINGS. You are ready for it.

Mr. RUDMAN. Just a small, factual error. I am not yet ready for Social Security.

I want to thank my friend.

Mr. HOLLINGS. But you can get it.

Mr. RUDMAN. Mr. President, I cannot add too much to what my friend from South Carolina has said. But I just want to, in 3 or 4 minutes here, go through some of the actual numbers, to put them in the RECORD to indicate that this amendment really is not necessary.

We are discussing three amendments. We are going to vote on one.

In the case of the Commerce Department, the general administration account funds the offices of the Secretary of Commerce and the administrative functions of the Department. For fiscal year 1992 this account received $31.3 million; the request for 1993 is $36 million, but the committee has reduced that request by $3.4 million down to $32.6 million. As it is, this will lead to a reduction in personnel for the offices of the Secretary and the administrative offices of the Commerce Department.

Unquestionably, there will be a reduction in people and services they render under our number. The request would have funded it at current services or slightly higher.

Similarly, the committee is reducing the request for the general administration account of the Department of Justice by $14.7 million; the 1993 level would be $118.2 million, $8.1 million over 1992 but well below the request of over $130 million. At the same time, we are asking the Justice Department to implement the Americans With Disabilities Act, and have included discretionary authority to transfer up to $32.3 million from this account to the Equal Employment Opportunity Commission.

Even under the committee recommendation, it will be impossible—I just want to state that unequivocally. We all talk about all of the things we do here with great fanfare. I want to make it clear there is no argument anyone will make that will disagree with this. We will not be able to fully implement the responsibilities of the Justice Department under the Americans With Disabilities Act this year. Senator DURENBERGER, I think, made that point adequately in the RECORD last evening. I need not expand on it.

Finally, the committee has reduced funding for the salaries and expenses of the State Department by $30.1 million below the request of the President. While this represents an increase of about $85 million above the 1992 level, the increase for administrative expense is somewhat misleading since within that number the committee is providing an increase of $25 million for global and climate change research, which is universally supported on the floor.

At the same time we are asking agencies in the various departments of the Government to be more efficient in managing these programs, the amendments before us would propose even further reductions in the administrative accounts of the Departments of Commerce, Justice, and State.

I will just make one flatout statement here, having watched this Government operate for awhile. If you want these bureaucracies to truly run out of control without any central direction or oversight, then vote for these amendments. We have billions in these programs, and very small amounts of management. It would be like saying to a major manufacturer: "Keep all your factories running. We are going to start shutting down your administrative offices." That sounds good, but you would hate to see what the factories would produce after a few months of that kind of chaos.

Frankly, we are always complaining the bureaucracy does not run very well. We are taking the money out of the very part of the Government that oversees those bureaucracies. Do any people think the committee can oversee these bureaucracies? They have not been here very long. We cannot do it. We have to have faith in the Cabinet officers and their staffs to oversee these bureaucracies.

Although I am sure the intentions of my friend from Florida are pure—because I know he is dedicated to deficit reduction; I agree with that—I do not think these amendments really accomplish that. If you want to accomplish that, as my friend from South Carolina said, let us eliminate programs. There are a lot of programs in this Government that really ought to be addressed.

Unfortuantely, we have yet to find support for that. Senator HOLLINGS and I have both attempted that on occasion, with very little success.

If we really want to talk about deficit reduction,we should be cutting programs, not proposing vague administrative reductions which are easy to propose but will result in a less responsive, efficient government.

In fact, the committee is cutting programs in this bill. The reduction below the President's request for the bill as a whole is $412 million; most NOAA programs are cut 4 percent below last year's level; even the Economic Development Administration is cut $77 million below 1992. While the committee has made these tough choices, the amendment pending on Commerce would only save $1.4 million in the general administration costs of the Commerce Department.

Mr. President, it is for those reasons I have to urge my colleagues to oppose this and the other two amendments offered by the Senator from Florida.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. How much time remains on either side?

The PRESIDING OFFICER. Fifteen minutes ten seconds to the Senator from South Carolina, and 13 minutes and 5 seconds to the Senator from Florida.

Mr. HOLLINGS. Mr. President, I will just add one comment, and then listen, of course, to the response of my distinguished colleague from Florida. But the actual figure of the cuts in this bill, as we reported it, for domestic programs is $939 million in outlays—that is actual spending—below President Bush's request; $360 million in outlays below current policy as estimated by CBO. So what we have had, in essence, is a freeze on new domestic programs, on new outlays for domestic programs. When you consider spending for all categories—domestic, international, and defense—we are $413 million below the President in budget authority and $847 million below in outlays.

I commend the staff, in our opening statement, on the wonderful job they have done, because they have been working all spring and summer long to bring a credible bill, a tough bill, to the Senate. You cannot run around here and be an author of a freeze, and Gramm-Rudman-Hollings, and then come and spend us blind.

I said we are going to hold the line in our particular subcommittee. The truth of the matter is the 602(b) allocation held us in line. We got less than what we really needed.

So I think the Senate ought to really know, too, the distinguished Secretary of Commerce, Ms. Franklin, as far as I can see, is doing an outstanding job.

I thought, like I heard from a lot of the colleagues, here we go and we have another fundraiser. The fine lady has done just that, raised funds in her time. I have been through a good dozen—16 Secretarys of Commerce or more in my particular time. All of them have been just about fundraisers.

They do not pay attention to trade. They do not pay attention to commerce. They wonder where in the world they got NOAA from, the Ocean and Atmospheric Administration, and where they get all of these people in the Weather Bureau. And you get these gold satellites and the administration of them. We find out we lost millions and millions of dollars because they were not administering properly. We finally have that in hand now.

We have a team working with the team over in NASA, the National Aeronautics and Space Administration office, to take these expensive satellites and get on top of that.

In the meantime, the NOAA fleet is in disrepair; the facilities and laboratories of old Bureau of Standards, now the National Institute of Standards and Technology, needs refurbishing. We have to modernize its equipment to conduct technological research. And we have an outstanding Secretary of Commerce who is working on these problems, and she is the general in this economic war we are into now.

I would not want to cut her another red cent, because I want to give her the tools to do the job.

We have done the best we possibly can to come now and just try to identify, in a minimal way, with wonderful talk about how we are going to solve the deficit. I outlined the plan. The plan we outlined is done; a stimulation of the economy without increasing taxes and without increasing the deficit.

If you can put a tourniquet on this $400 billion deficit, over a billion a day more than we have taken in, you have done a pretty good job all the way around to hold the line, stimulate the economy, get the body politic strong enough to take the surgery that is going to be necessary to get rid of this fiscal cancer.

I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Florida has 13 minutes, 5 seconds.

Mr. GRAHAM. I yield 10 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the distinguished Senator from Florida who has proposed this amendment. I think this is a good amendment. I have this morning previously cited on two or three occasions the very splendid contributions of the Senator from South Carolina and the Senator from New Hampshire in coming forward in this bill with some very, very innovative ideas related to defense transition.

However, I think what the Senator from Florida is proposing is one of those absolutely rare amendments that is going to start getting at the heart of some of the explosion in our Federal Government. I think that his amendment, which I am supporting, goes to the heart of the matter of the addition of staff, the general administration, the salaries and expenses, and, also, I think it goes to the heart of the matter, Mr. President, of dealing with what we call other services.

Other services, as all of us probably realize, are those services that relate to private contractors and consultants. We have seen, since 1989, an enormous explosion in the use of private contractors and consultants. For example, just last Friday, we had a hearing on the SDI Program. We found that contractors and private consultants who are brought in to advise and give thoughts and to develop the SDI Program, some of these consultants are getting $800 a day. That is $100 an hour. Many of these consultants are getting a lot more than this.

It is my understanding that the Department of Justice would be getting, if we passed this bill without the amendment offered by the distinguished Senator from Florida [Mr. GRAHAM] an 8.7-percent increase, the State Department a 15.2-percent increase, the Commerce Department, an 11.3-percent increase. And what the amendment of the distinguished Senator from Florida does is basically say, "Let us hold the line."

I think this should be applied to all of the 13 appropriations bills. I hope that he goes forward on all of the 13 appropriations bills. I hope it will also apply, Mr. President, to the legislative branch of Government. I think it is time that we do this. I also think it is time that we really see if we cannot begin to curtail the cost of government and certainly the cost of administering the Government.

This is what the amendment of the Senator from Florida does. Definitely, I think it would have a real impact and certainly would send a signal on the use of private consultants and private contractors, and that usage is exploding at an enormous rate.

Mr. President, the President of the United States, President Bush, in January, got up in his State of the Union Address and talked a great deal about how we are going to freeze the number of Federal employees, and everybody got up and cheered and clapped at that idea. But what he did not tell us is that we are going to continue hiring private contractors and private consultants at sometimes 25 to 40 percent more to do the same jobs, and it is going to cost us 25 to 40 percent more. We have just seen an enormous growth in this. I think Senator GRAHAM's amendment is an attempt to deal with this problem and to deal with the general growth in government at the very top.

The President's 1993 budget, for example, overall, Mr. President, asked for $90 billion for service contracts. That is throughout the entirety of our Federal Government. It ranges from research and development to painting contractors. And one-third of this money, $35 billion, is spent on support contracts that we have found to be riddled with waste and abuse.

I think the Senator's amendment is a good one. I am going to support it. I have asked him to add me as a cosponsor.

Mr. President, I yield what time I have back to the distinguished Senator from Florida.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. HOLLINGS. Mr. President, how much time do we have.

The PRESIDING OFFICER. Eleven minutes, seventeen seconds.

Mr. HOLLINGS. Mr. President, I would like to respond to my distinguished friend from Arkansas. Earlier, I expressed my gratitude for his complementary remarks relative to the inclusions that we have on a very important study that the Senator from Arkansas made relative to defense conversion. We are going toward technology. He and I are in lockstep trying to develop an economic competitiveness, and that is to be done in main within our own Commerce Department. So at the very time we are trying to build up the Department, they come, at the same time, to talk about cutting it back.

I once again say we cut back 10 percent from Commerce general administration. We cut back 10 percent from the President's budget request. In fact, the overall bill for all functions, as reported, $413 million in budget authority and $847 million in outlays below the President's request. We do not mean to stand idly by. And it can be taken care of in the conference committee. We are not worried about that. But what we are worried about is the lack of an understanding on the one hand and trying to identify with savings on the other hand and the sort of Pavlovian fashion that colleagues come to the floor with, "Oh, this is for cutting spending. I want to identify with cutting spending so I can put it in my little 20-second sound bite that we had an amendment to cut spending, and so I voted for it."

Talk about consultants. The distinguished Senator knows that I have been a cosponsor of his move to get rid of consultants, in fact, to get rid of the Washington lawyers down here. I have a hard time defending the trial lawyers, I can tell you that, who work for their living. This crowd comes in demanding $300, $400 an hour. Look at the RTC lawyers. Get into that where you can save.

I met with a gentleman just the night before last. He had been trying to call and call and call and get a message through. Instead, the RTC crowd flies from New York all the way down to Georgetown, SC, with a staff, lands in Charleston, hires a limousine, comes out, spends 2 days, 2 nights, goes back up and charges all that to the Government at $400-some-odd an hour. And here we have a Department we are trying to build.

Let us be selective and look where we are trying to save. We have a Department of Defense operation of $39 billion in research and development over on the other side of the Potomac, and they do not know what to do with the money, so they have gotten all kinds of new programs for it, and everything else of that kind.

And Agriculture; we have 80 percent of the trade in international trade. In the Commerce Department, we get $200 million to promote it. They get $900 million over in Agriculture, plus a $5.6 billion Export-Import Bank to bolster it, and everything else like that.

This Department has been cut, cut, cut, and they can cut more and give themselves the Good Government Award.

Let us see what our colleagues want to do because we can find it and take care of it in conference, Mr. President. But they ought to understand that this staff in the Senate has worked hard, the Appropriations Committee has worked hard. We did not go willy-nilly. We did cut programs across the board, and for domestic programs we reported a bill of $939 million in outlays, in spending, below President Bush's request and $360 million below current policy. That ought to send a message of real savings. And to come around and just get an identification with 1.3 million here, more just to identify with the problem and not really do anything substantive about it, I do not think is worthy of the Senate.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRAHAM. Mr. President, how much time do I control?

The PRESIDING OFFICER. The Senator from Florida has 7 minutes.

Mr. GRAHAM. Mr. President, I yield myself such time as is necessary.

Mr. President, I recognize the long leadership which both Senator HOLLINGS and Senator RUDMAN have provided to the issue of deficit reduction. There are no two Senators whose names, as well as careers, are more associated with that objective than these two Senators. I was regretful that by happenstance the first appropriations bill which came before the Senate happened to be the one they had shaped, because what I am talking about is not an issue that is targeted at these three agencies.

As I indicated, it is my intention to offer this same amendment to freeze general administration overhead on all of the budgets including the legislative budget. And while the amount of dollars available in the particular Department of Commerce overhead, which is a relatively small agency, may appear in the scale of things to be miniscule, the potential savings in all three of these agencies is not insignificant—approximately $90 million. And the savings that will be available in applying this consistently to all executive agencies and to the congressional branch will be very significant.

I want to comment on something the Senator from South Carolina said. I know he did not mean to infer that there was something inappropriate in raising these kinds of questions. We are all Members of the Senate with our responsibilities. Many of us have had the privilege in the past, as has the Senator from South Carolina and the distinguished Presiding Officer, to be Governors of our States where we had major budget responsibilities, and therefore we bring some particular background and perspective to that task.

Yes, I am going to be an aggressive, I hope effective, advocate of issues which relate to my State. That is one of our responsibilities as an elected representative to the Senate. It happens that many of the most important national issues which are under the jurisdiction of the agencies in this budget happen to have a special focus in the State of Florida. For instance, many of the law enforcement functions are in this budget. For too long my State was at the forefront of the Nation's fight against the scourge of drugs. Our geography placed us there. And, yes, I am going to be a strong advocate for those things which will strengthen the Nation's effort in those areas and others and do not consider that to be inconsistent with a program which says let us go where we can reduce Federal spending with the least impact on those front-line programs. That is the area which has been identified by the Grace Commission, by the House Task Force on Management, and by Presidential candidate Bill Clinton, which is a target on the overhead accounts.

I also believe it is the responsibility of all of us, collectively, to be identifying every area in which we think there are opportunities to reduce the deficit. Yes, there are areas in RTC, and I believe our distinguished chairman has brought again to our attention an area which deserves our major attention. I hope we would through this process be identifying and then prepared to act in many areas that can contribute toward our goal.

Mr. President, I do not consider what we are suggesting in terms of reductions is excessive or Draconian. The first budget we are going to vote on is the Department of Commerce. The difference between the budget for overhead and general administration as recommended by the committee, and in the amendment that I have suggested, is approximately $1.2 million. That is $1.2 million, with an "m." The budget for the Department of Commerce this year is $3.3 billion. It represents an increase over fiscal year 1992 of $340.1 million, or 11.3 percent over fiscal year 1992. I am talking about a $1.2 million reduction in an agency whose budget

increase is $340.1 million or 11.3 percent.

I do not consider it to be asking too much of this department to contribute toward a general policy that we will take as a first step toward reducing the Federal budget deficit, a freeze on the overhead and general administration of the executive agencies and the Congress.

Mr. President, I conclude with an admittedly stolen quote, and that is if we are not prepared to take this step today to say, for this budget and as a policy for future budgets, that we will at least freeze at current year levels the overhead and general administration of these agencies, if we are not prepared to make that step toward deficit reduction, then where are we prepared to make the step? If we are not prepared to do it today, when will we be willing to start?

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HOLLINGS. Mr. President, the resistance that we have is to the fact it is not taking one real step. It is a game. Everyone within the hearing of our voice understands that. If they really want to cut spending, we can get some bigger cuts. The reason we resist it is we have done these things. We cut back—like I say, $939 million in outlays less than the President for domestic programs, including Commerce and Justice, $360 million less than inflation in current accounts. We cut 10 percent out of the administration accounts.

The assumption is that we did not look hard and we went willy-nilly and just gave them the same thing over again.

We are just not going to let that pass.

They can vote and act like they have done something for $1.3 million in this particular Commerce budget; that they have started a trend now; they have really a feel for budget reductions now; we have a conscience about this thing; and we are really going to finally do something about deficits in these appropriations bills.

It is a not taking a step forward. It is just playing games.

I just say, Mr. President, we would be willing to yield back our time and try to vote close to 11 o'clock, but we feel very strongly that when you have done a very credible job and have come in way under the President in this particular department and others—we have had to struggle with the administration over the years, trying to build up the Commerce Department and trying to get them to enforce these antidumping trade cases, trying to get them into the export-import business, trying to expand the United States and Foreign Commercial Service into the former Soviet Union, computerize these things, build up the technology and community assistance now that everybody wants in defense conversion, just at the time we get a willing Secretary and she has the same desire and is working hard—and we want to nitpick here. This is not a step toward deficit reduction. It is nitpicking.

If they really want to save some money, then we have given them a plan and we will give them some more plans that will really put us in step and really get something done. This just helps in getting press. That is all it does.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I yield the remainder of my time to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I thank the distinguished Senator from Florida for yielding to me. I think we have about 1½ minutes remaining on this side.

Mr. President, my good friend from South Carolina has characterized this—maybe I am putting in his words now—as sort of a feel-good amendment. I do not feel good about this amendment. I do not have any feeling of righteousness in supporting the Graham amendment. I would feel very badly, though, Mr. President, if I did not point out to my good friend that under this proposal, if we do not adopt the Graham amendment, we are going to see other services increase, it looks to me, by about 62 percent, about 62 percent under this proposal.

Mr. HOLLINGS. If the Senator will yield, that is the President's request you are reading. That is not the committee-recommended bill.

Mr. PRYOR. It is a 1993 estimate. That is the figure I have.

Mr. HOLLINGS. That is not our bill. That is the President's request. Senator, we already cut that by $3.3 million.

Mr. PRYOR. If I might respond, and I am running out of time, Mr. President, something I would not feel good about, I would feel very badly about, is to not bring to the attention of our colleagues the fact that in 4 years the cost of private contractors and consultants in this country has grown by 65 percent.

We appropriate that money and this is one of the few amendments that I have seen in recent years that begins—just on the Commerce Department, I understand this, but next is the State Department, next is the Justice Department, next is the Agriculture Department, right on down the line—to get some control over the cost of government. We have to start getting a handle on this. It is that kind of amendment that I support. I hope our colleagues will support it.

Thank you, Mr. President.

Mr. HOLLINGS. Mr. President, do I have a minute?

The PRESIDING OFFICER. The Senator from South Carolina has 1 minute and 30 seconds.

Mr. HOLLINGS. Get a handle on it. You can take all of those departments. But get it on the RTC. That is a consultant. That is the consultant crowd. I can tell you where it is. That is where the big waste is.

If you take the department, the Commerce Department, and want to single it out, and act like I say, in all candor, my friend from Arkansas, it is just not that. We went along when President Reagan came into office, and we had a 10 percent cut by way of attrition, something similar as the Senator was quoting Governor Clinton. It did not hurt us. Cut our own staff. I recommended that. But if you really want to do something, let us take them all, our staffs, all of the staffs, everywhere around, and let us see if we cannot do with less. But as we do it, do not come to the Commerce Department here where we have these added responsibilities that you praise us for like Defense economic conversion, and say do not administer them.

I yield the remainder of my time.

Mr. KOHL. Mr. President, I rise in support of the Graham amendments. I am not going to spend time talking about the deficit. We all know its size, its ill economic effects, and the failure of our political leaders to bring it under control. What is news today is that we have an opportunity to vote on three amendments that go beyond talk and actually cut spending.

This amendment freezes spending in the general administrative accounts of the Department of State, Department of Commerce, and Department of Justice. Those accounts fund the administrative operations of each agency—that is, official travel, rental of office space, office decoration, general policy development, management strategy, et cetera. In short, the accounts cover the centralized operations of the three agencies.

The reason for focusing the freeze on the general administrative costs is not that these represent wasted money. They do not. Instead, these accounts contain what most people would call overhead spending. That is the spending that can be controlled and that should be cut in tough financial times.

Many private economic analysts—including the Grace Commission—have identified overhead costs as the first front on which we should fight runaway spending. Of course, office supplies are necessary, but when your operation is billions of dollars in the hole, you can do with a few less envelopes. Of course, official travel is important, but when your operation has debt of trillions of dollars, you can send fewer people to overseas conferences.

I certainly agree that these amendments are not targeted to overhead expenses as accurately as I would like. However, that is not the fault of the Senator from Florida. Neither the ap-

propriations bills we consider, the budget resolution we have already passed, nor the agency budgets submitted to Congress contain exact figures for overhead expenses. Try to track the Department of State's travel expenses—you cannot. Try to find out how much is appropriated for office space—you cannot. Our accounting system is so arcane and so convoluted, there is no way for the members of this body to trace and control Government spending.

And clearly—clearly—that is what we must do. The deficit represents a financial crisis and a crisis of confidence. The American people believe we are not managing their money well. They believe that, in budgeting billions of dollars, we have lost sight of the worth of $1. These amendments are a chance to regain some of that confidence—a chance to say we are willing to look for ways to hold the line on spending. I urge my colleagues to support all three amendments.

Mr. ROBB. Mr. President, like the senior Senator from Florida, [Mr. GRAHAM] I served as Governor before coming to this body. When a Governor comes to work each day, the "In" box is full of difficult choices. Most of those choices pit attractive opportunities and programs against the constraints of a balanced budget. The time has come for us to get more accustomed to these choices in Washington.

Senator GRAHAM'S amendment begins that familiarization process. It freezes funding for overhead and administrative expenses at the current level for the Departments of Commerce, State, and Justice.

This amendment does not cut down on enforcement of laws and regulations, nor does it take critical resources away from the people at the cutting edge; the diplomats, trade negotiators, or FBI and DEA field agents. But it begins the process of serious deficit reduction which it has always been easier to postpone.

I recognize that a disproportionate number of the constituents who will face the brunt of this level funding live and vote in my own State. Yet I know that many of them would be among the first to agree that a sound government must be a leaner government. If we are serious about getting this country's finances back under control, we have no choice but to start reducing spending somewhere—and this is a logical place to start.

I thank Senator GRAHAM for this amendment, and commend him for his courage in offering it. I plan, Mr. President, to join in backing similar administrative freezes in every appropriation, including the legislative operations bill.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the first Graham amendment No. 2765.

Mr. GRAHAM. 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.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 2765 of the Senator from Florida [Mr. GRAHAM]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. HOLLINGS. Mr. President, I suggest the absence of a quorum. I think we have the wrong amendment here.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAHAM. Mr. President, I ask unanimous consent that the vote occur on amendment 2767.

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

Without objection, the yeas and nays are vitiated on amendment 2765, and the yeas and nays are ordered on amendment 2767.

The question is on agreeing to the amendment of the Senator from Florida [Mr. GRAHAM]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk call the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Illinois [Mr. DIXON], the Senator from Tennessee [Mr. GORE], and the Senator from Massachusetts [Mr. KERRY] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from New York [Mr. D'AMATO] and the Senator from Florida [Mr. MACK] are necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The PRESIDING OFFICER (Mr. WOFFORD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 42, as follows:

[Rollcall Vote No. 153 Leg.]

YEAS—50

| | | |
|---|---|---|
| Bingaman | Daschle | Kasten |
| Bond | Durenberger | Kerrey |
| Boren | Ford | Kohl |
| Brown | Fowler | Levin |
| Bryan | Glenn | Lott |
| Burns | Graham | Lugar |
| Coats | Grassley | McCain |
| Conrad | Harkin | McConnell |
| Craig | Hatch | Metzenbaum |
| Danforth | Kassebaum | Mikulski |
| Murkowski | Roth | Specter |
| Nickles | Sanford | Symms |
| Nunn | Sasser | Wallop |
| Pressler | Seymour | Wellstone |
| Pryor | Shelby | Wirth |
| Reid | Simon | Wofford |
| Robb | Smith | |

NAYS—42

| | | |
|---|---|---|
| Adams | Dole | Leahy |
| Akaka | Domenici | Lieberman |
| Baucus | Exon | Mitchell |
| Bentsen | Garn | Moynihan |
| Biden | Gorton | Packwood |
| Breaux | Gramm | Pell |
| Bumpers | Hatfield | Riegle |
| Byrd | Heflin | Rockefeller |
| Chafee | Hollings | Rudman |
| Cochran | Inouye | Sarbanes |
| Cohen | Jeffords | Simpson |
| Cranston | Johnston | Stevens |
| DeConcini | Kennedy | Thurmond |
| Dodd | Lautenberg | Warner |

NOT VOTING—8

| | | |
|---|---|---|
| Bradley | Dixon | Kerry |
| Burdick | Gore | Mack |
| D'Amato | Helms | |

So the amendment (No. 2767), was agreed to.

Mr. GRAHAM. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Mr. President, in light of the outcome on this vote, I suggest to the sponsor of the amendment and the managers if agreeable that the next two votes be vitiated and accepted by voice vote. I wonder if that will be agreeable to the participants.

Mr. HOLLINGS. That is agreeable.

Mr. RUDMAN. That is agreeable on this side.

AMENDMENT NO. 2765

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2765) was agreed to.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 2766.

The amendment (No. 2766) was agreed to.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I move to reconsider the votes on the last two amendments.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the bill will be engrossed for a third reading and read the third time.

The bill was read a third time.

The PRESIDING OFFICER. Pursuant to the previous order, S. 3026 is returned to the calendar of general orders.

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The PRESIDING OFFICER. The clerk will report the bill, H.R. 5487.

The bill clerk read as follows:

A bill (H.R. 5487) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for fiscal year ending September 30, 1993, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 5487

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1993, and for other purposes, namely:

### TITLE I—AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $50,000 for employment under 5 U.S.C. 3109, $2,282,000: *Provided*, That not to exceed $8,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: *Provided further*, That the Secretary may transfer salaries and expenses funds in this Act sufficient to finance a total of not to exceed 35 staff years between agencies of the Department of Agriculture to meet workload requirements.

OFFICE OF THE DEPUTY SECRETARY

For necessary expenses of the Office of the Deputy Secretary of Agriculture, including not to exceed $25,000 for employment under 5 U.S.C. 3109, $543,000: *Provided*, That not to exceed $3,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Deputy Secretary.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,756,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $596,000.

RENTAL PAYMENTS (USDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Department of Agriculture which are included in this Act, $50,503,000, of which $5,000,000 shall be retained by the Department of Agriculture for non-recurring repairs as determined by the Department of Agriculture: *Provided*, That in the event an agency within the Department of Agriculture should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 10 per centum of the funds made available for space rental and related costs to or from this account.

BUILDING OPERATIONS AND MAINTENANCE

For the operation, maintenance, and repair of Agriculture buildings pursuant to the delegation of authority from the Administrator of General Services authorized by 40 U.S.C. 486, $25,700,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, $952,000: *Provided*, That no other funds appropriated to the Department of Agriculture in this Act shall be available to the Department of Agriculture for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107g of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607g, and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $16,000,000, to remain available until expended: *Provided*, That appropriations and funds available herein to the Department of Agriculture for hazardous waste management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Finance and Management, Operations, Information Resources Management, Advocacy and Enterprise, and Administrative Law Judges and Judicial Officer, $25,014,000, for Departmental Administration to provide for necessary expenses for management support services to offices of the Department of Agriculture and for general administration and emergency preparedness of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551-558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, $1,307,000.

OFFICE OF PUBLIC AFFAIRS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, and for the dissemination of agricultural information and the coordination of information, work and programs authorized by Congress in the Department, $8,925,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins and not fewer than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

INTERGOVERNMENTAL AFFAIRS

For necessary expenses for programs involving intergovernmental affairs and liaison within the executive branch, $468,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $62,786,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(8) of the Inspector General Act of 1978, as amended, and including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95-452 and section 1337 of Public Law 97-98.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses of the Office of the General Counsel, $24,554,000.

OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

For necessary expenses of the Office of the Assistant Secretary for Economics to carry out the programs funded in this Act, $580,000.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627) and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, costs and returns in farming, and farm finance; research relating to the economic and marketing aspects of farmer cooperatives; and for analysis of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products, $58,720,000; of which $500,000 shall be available for investigation, determination, and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the

public interest, before said Administrator, other agencies or before the courts: *Provided*, That this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and the consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225): *Provided further*, That this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

NATIONAL AGRICULTURAL STATISTICS SERVICE

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, **[**$80,941,000**]** *$81,066,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

WORLD AGRICULTURAL OUTLOOK BOARD

For necessary expenses of the World Agricultural Outlook Board to coordinate and review all commodity and aggregate agricultural and food data used to develop outlook and situation material within the Department of Agriculture, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), $2,367,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Science and Education to administer the laws enacted by the Congress for the Agricultural Research Service, Cooperative State Research Service, Extension Service, and National Agricultural Library, $560,000.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), **[**$4,500,000**]** *$10,000,000 is appropriated to the Alternative Agricultural Research and Commercialization Revolving Fund.*

AGRICULTURAL RESEARCH SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $658,379,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That funds appropriated herein can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land or the construction of facilities as may be necessary for the relocation of the United States Horticultural Crops Research Laboratory at Fresno to Parlier, California, and the relocation of the laboratories at Behoust, France and Rome, Italy to Montpelier, France, including the sale or exchange at fair market value of existing land and facilities at Fresno, California and Behoust, France; and the Agricultural Research Service may lease such existing land and facilities from the purchasers until completion of the replacement facilities: *Provided further*, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Assistant Secretary for Science and Education for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at Federal research installations in the field, $2,500,000.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, **[**$34,514,000**]** *$23,210,000*, to remain available until expended (7 U.S.C. 2209b): *Provided*, That facilities to house bonsai collections at the National Arboretum may be constructed with funds accepted under the provisions of Public Law 94–129 (20 U.S.C. 195) and the limitation on construction contained in the Act of August 24, 1912 (40 U.S.C. 68) shall not apply to the construction of such facilities: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individuals for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $168,785,000 to carry into effect the provisions of the Hatch Act approved March 2, 1987, as amended, including administration by the United States Department of Agriculture, penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1987, as amended, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $18,533,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a–582–a7), as amended, including administrative expenses, and payments under section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.); $27,400,000 for payments to the 1890 land-grant colleges, including Tuskegee University, for research under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222), as amended, including administration by the United States Department of Agriculture, and penalty mail costs of the 1890 land-grant colleges, including Tuskegee University; **[**$57,688,000**]** *$61,612,000* for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i); $97,500,000 for competitive research grants under section 2(b) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)), including administrative expenses; $5,551,000 for the support of animal health and disease programs authorized by section 1433 of Public Law 95–113, including administrative expenses; **[**$1,168,000**]** *$500,000* for supplemental and alternative crops and products as authorized by the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d); $400,000 for grants for research pursuant to the Critical Agricultural Materials Act of 1984 (7 U.S.C. 178) and section 1472 of the Food and Agriculture Act of 1977, as amended (7 U.S.C. 3318), to remain available until expended; $475,000 for rangeland research grants as authorized by subtitle M of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended; $3,500,000 for higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)), including administrative expenses; $1,500,000 for higher education challenge grants under section 1417(b)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(1)), including administrative expenses; $4,000,000 for grants as authorized by section 1475 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 and other Acts; $6,725,000 for sustainable agriculture research and education, as authorized by section 1621 of Public Law 101–624 (7 U.S.C. 5811), including administrative expenses; *$400,000 for State agricultural weather information systems pursuant to section 1640 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3318)*; and **[**$19,170,000**]** *$20,045,000* for necessary expenses of Cooperative State Research Service activities, including coordination and program leadership for higher education work of the Department, administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which $10,250,000 shall be for a program of capacity building grants to colleges eligible to receive funds

under the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee University, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, [$412,395,000] *$416,926,000*.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities and for grants to States and other eligible recipients for such purposes, as necessary to carry out the agricultural research, extension, and teaching programs of the Department of Agriculture, where not otherwise provided, [$33,611,000] *$52,101,000*, to remain available until expended (7 U.S.C. 2209b).

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $262,712,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $60,525,000; [payments for the urban gardening program under section 3(d) of the Act, $3,557,000;] payments for the pest management program under section 3(d) of the Act, $8,200,000; payments for the farm safety and rural health programs under section 3(d) of the Act, [$2,470,000] *$2,970,000*; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,405,000; payments to upgrade 1890 land-grant college research and extension facilities as authorized by section 1447 of Public Law 99–198, $8,000,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $950,000; payments for extension work under section 209(c) of Public Law 93–471, $1,010,000; payments for a groundwater quality program under section 3(d) of the Act, $11,375,000; special grants for financially stressed farmers and dislocated farmers as authorized by Public Law 100–219, $2,550,000; payments for the Agricultural Telecommunications Program, as authorized by Public Law [100–624] *101–624* (7 U.S.C. 5926), $1,221,000; payments for youth-at-risk programs under section 3(d) of the Act, $10,000,000; payments for a Nutrition Education Initiative under section 3(d) of the Act, $3,530,000; payments for a food safety program under section 3(d) of the Act, $1,500,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978 [under section 3(d) of the Act], $2,765,000; payments for Indian reservation agents under section 3(d) of the Act, [$1,500,000] *$2,000,000; payments to establish and operate centers of rural technology developed as authorized by section 2347 of Public Law 101–624 (7 U.S.C. 1932), $2,000,000; payments for outreach and assistance for socially disadvantaged farmers and ranchers as authorized by section 2501 of Public Law 101–624 (7 U.S.C. 2279), $2,000,000; payments for rural health and safety education as authorized by section 2390 of Public Law 101–624 (7 U.S.C. 2661 note, 2662), $2,000,000;* and payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, $24,730,000; in all, [$410,000,000] *$413,443,000*, of which not less than $79,400,000 is for Home Economics: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n.), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, [$7,928,000] *$9,501,000*, of which not less than $2,300,000 is for Home Economics.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, [$17,253,000] *$17,715,000*: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $900,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements: *Provided further, That $462,000 shall be available for a grant pursuant to section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3818), in addition to other funds available in this appropriation for grants under this section.*

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Inspection Services to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Food Safety and Inspection Service, Federal Grain Inspection Service, Agricultural Cooperative Service, Agricultural Marketing Service, and Packers and Stockyards Administration, $550,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, [$430,939,000] *$432,900,000*, of which $83,362,000 shall be derived from user fees deposited in the Agricultural Quarantine Inspection User Fee Account, and of which $5,000,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That $500,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That none of these funds shall be used to develop, establish, or operate any user fee program for agricultural quarantine and inspection to prevent the movement of exotic pests and diseases from Hawaii and Puerto Rico as authorized by 31 U.S.C. 9701: *Provided further, That none of these funds shall be used to pay the salary of any Department veterinarian or Veterinary Medical Officer who, when conducting inspections at horse shows, exhibitions, sales, or auctions under the Horse Protection Act, as amended (15 U.S.C. §§ 1821–1831), relies solely on the use of digital palpation as the only diagnostic test to determine whether or not a horse is sore under such Act.*

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $10,400,000, to remain available until expended (7 U.S.C. 2209b).

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, and the Poultry Products Inspection Act, as amended, $489,867,000: *Provided*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds in this Act may be used to carry out the Streamlined Inspection System (for cattle) after April 1, 1993.

FEDERAL GRAIN INSPECTION SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 for employment under 5 U.S.C. 3109, $11,397,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and im-

provements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building: *Provided further*, That none of the funds provided by this Act may be used to pay the salaries of any person or persons who require, or who authorize payments from fee-supported funds to any person or persons who require nonexport, nonterminal interior elevators to maintain records not involving official inspection or official weighing in the United States under Public Law 94-582 other than those necessary to fulfill the purposes of such Act.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,784,000 (from fees collected) shall be obligated during the current fiscal year for Inspection and Weighing Services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 per centum with notification to the Appropriations Committees.

AGRICULTURAL COOPERATIVE SERVICE

For necessary expenses to carry out the Cooperative Marketing Act of July 2, 1926 (7 U.S.C. 451-457), and for activities relating to the marketing aspects of cooperatives, including economic research and analysis and the application of economic research findings, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621-1627), and for activities with institutions or organizations throughout the world concerning the development and operation of agricultural cooperatives (7 U.S.C. 3291), $5,640,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109: *Provided further, That $99,000 of these funds shall be available for a field office in Hawaii.*

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, [$56,520,000] *$45,401,000*; of which not less than $2,313,000 shall be available for the Wholesale Market Development Program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but, unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed 10 per centum of the current replacement value of the building.

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed [$52,861,000] *$55,953,000* (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 per centum with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,309,000 for formulation and administration of Marketing Agreements and Orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

*In fiscal years 1993 and 1994, section 32 funds shall be used to promote sunflower and cottonseed oil exports to the full extent authorized by section 1541 of Public Law 101-624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.*

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,250,000.

PACKERS AND STOCKYARDS ADMINISTRATION

For necessary expenses for administration of the Packers and Stockyards Act, as authorized by law, and for certifying procedures used to protect purchasers of farm products, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, $11,996,000.

FARM INCOME STABILIZATION

OFFICE OF THE UNDER SECRETARY FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

For necessary salaries and expenses of the Office of the Under Secretary for International Affairs and Commodity Programs to administer the laws enacted by Congress for the Agricultural Stabilization and Conservation Service, Office of International Cooperation and Development, Foreign Agricultural Service, and the Commodity Credit Corporation, $551,000.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301-1393); the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.); sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act, as amended (16 U.S.C. 590g-590o, 590p(a), 590p(f), and 590q); sections 1001 to 1004, 1006 to 1008, and 1010 of the Agricultural Act of 1970, as amended (16 U.S.C. 1501 to 1504, 1506 to 1508, and 1510); the Water Bank Act, as amended (16 U.S.C. 1301-1311); the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101); sections 202(c) and 205 of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c), 1595); sections 401, 402, and 404 to 406 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 to 2205); the United States Warehouse Act, as amended (7 U.S.C. 241-273); title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3811 et seq.); and laws pertaining to the Commodity Credit Corporation, [$715,296,000] *$714,551,000*; of which [$714,134,000] *$712,926,000* is hereby appropriated, and [$573,000] *$1,036,000* is transferred from the Public Law 480 Program Account in this Act and $589,000 is transferred from the Commodity Credit Corporation Program Account in this Act: *Provided*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations: *Provided further, That funds contained herein shall be available for establishing and maintaining a National Appeals Division provided for under section 426 of the Agricultural Act of 1949.*

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $5,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Con-

trol Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided:

FEDERAL CROP INSURANCE CORPORATION

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, as authorized by the Federal Crop Insurance Act, as amended (7 U.S.C. 1516), [$303,896,000] *$326,048,000*: *Provided*, That not to exceed $700 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 508(b) of the Federal Crop Insurance Act, as amended, $285,794,000, to remain available until expended (7 U.S.C. 2209b); of which $58,768,000 is to reimburse the Federal Crop Insurance Corporation Fund for agents' commissions and loss adjustment obligations incurred during prior years, but not previously reimbursed, as authorized by section 516(a) of the Act, as amended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1993, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $9,200,000,000 in the President's fiscal year 1993 Budget Request (H. Doc. 102-178)), but not to exceed $9,200,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a-11).

Such funds are appropriated to reimburse the Corporation to restore losses incurred during prior fiscal years. Such losses for fiscal years 1991 and 1992 include $667,020,000 in connection with carrying out the Export Enhancement Program (EEP), $114,196,000 in connection with carrying out the Market Promotion Program (MPP), $150,000,000 in connection with carrying out the Federal Crop Insurance Program, $314,763,000 in connection with domestic donations, $165,316,000 in connection with export donations, and $7,788,705,000 in connection with carrying out the commodity programs.

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1993, CCC shall not expend more than $3,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation.

GENERAL SALES MANAGER

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the General Sales Manager, [$8,641,000] *$8,866,000*, of which $4,668,000 may be transferred from Commodity Credit Corporation funds, $2,731,000 may be transferred from the Commodity Credit Corporation Program Account in this Act, and [$1,242,000] *$1,467,000* may be transferred from the Public Law 480 Program Account in this Act. Of these funds, up to $4,000,000 shall be available only for the purpose of selling surplus agricultural commodities from Commodity Credit Corporation inventory in world trade at competitive prices for the purpose of regaining and retaining our normal share of world markets. The General Sales Manager shall report directly to the Secretary of Agriculture. The General Sales Manager shall obtain, assimilate, and analyze all available information on developments related to private sales, as well as those funded by the Corporation, including grade and quality as sold and as delivered, including information relating to the effectiveness of greater reliance by the General Sales Manager upon loan guarantees as contrasted to direct loans for financing commercial export sales of agricultural commodities out of private stocks on credit terms, as provided in titles I and II of the Agricultural Trade Act of 1978, Public Law 95-501, and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

## TITLE II—CONSERVATION PROGRAMS

OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Assistant Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Soil Conservation Service, $563,000.

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $576,539,000, to remain available until expended (7 U.S.C. 2209b); of which not less than $5,713,000 is for snow survey and water forecasting and not less than $8,064,000 is for operation and establishment of the plant materials centers: *Provided*, That except for $2,399,000 for improvements of the plant materials centers, the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $10,000, except for one building to be constructed at a cost not to exceed $100,000 and eight buildings to be constructed or improved at a cost not to exceed $50,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $2,000 per building: *Provided further*, That when buildings or other structures are erected on non-Federal land that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a-590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service (16 U.S.C. 590e-2).

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1006-1009), $13,251,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001-1008), $9,545,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001-1005, 1007-1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and in accordance with the provisions of laws relating to the activities of the Department, [$205,266,000] *$238,266,000* (of which [$36,091,000] *$42,091,000* shall be available for the watersheds authorized under the Flood Control Act approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed [$20,028,000] *$24,028,000* shall be available for emergency measures as provided by sections 403-405 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203-2205), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That $4,000,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93-205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1010-1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a-f), and the provisions of the Agriculture and Food Act of 1981 (16

U.S.C. 3451–3461), $32,516,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That $600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (7 U.S.C. 1931): *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p(b)), $25,271,000, to remain available until expended (16 U.S.C. 590p(b)(7)).

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, **[$194,435,000]** *$188,785,000*, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the Agricultural Conservation Program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities" approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913 to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designed to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels: *Provided further*, That not to exceed **[$6,750,000]** *$15,000,000* of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.).

FORESTRY INCENTIVES PROGRAM

For necessary expenses, not otherwise provided for, to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, $12,446,000, to remain available until expended, as authorized by that Act.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301–1311), $18,620,000, to remain available until expended.

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205), $3,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204.

COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

For necessary expenses for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, **[$14,783,000]** *$12,783,000*, to remain available until expended (7 U.S.C. 2209b), to be used for investigations and surveys, for technical assistance in developing conservation practices and in the preparation of salinity control plans, for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the county ASC committees, approved by the State ASC committees and the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation: *Provided*, That the Soil Conservation Service shall provide technical assistance and the Agricultural Stabilization and Conservation Service shall provide administrative services for the program, including but not limited to, the negotiation and administration of agreements and the disbursement of payments: *Provided further*, That such program shall be coordinated with the regular Agricultural Conservation Program and with research programs of other agencies.

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831–3845), $1,578,517,000, to remain available until expended, to be used for Commodity Credit Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance: *Provided*, That none of the funds in this Act may be used to enter into new contracts that are in excess of the prevailing local rental rates for an acre of comparable land.

## TITLE III—FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Small Community and Rural Development to administer programs under the laws enacted by the Congress for the Farmers Home Administration, Rural Development Administration, Rural Electrification Administration, and Federal Crop Insurance Corporation, $572,000.

RURAL DEVELOPMENT ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Rural Development Administration, not otherwise provided for, in administering the rural development programs of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–2000), as amended, section 1323 of the Food Security Act of 1985 (7 U.S.C. 1932 note), and title VI of the Rural Development Act of 1972, $37,066,000; of which $14,787,000 is hereby appropriated, $21,755,000 shall be derived by transfer from the Rural Development Insurance Fund Program Account in this Act and merged with this account, and $524,000 shall be derived by transfer from the Rural Development Loan Fund Program Account in this Act and merged with this account: *Provided*, That not to exceed $500,000 shall be for employment under 5 U.S.C. 3109.

FARMERS HOME ADMINISTRATION

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of

1949, as amended, to be available from funds in the Rural Housing Insurance Fund, as follows: [$1,624,500,000] *$1,495,000,000* for loans to section 502 borrowers, as determined by the Secretary, of which [$329,500,000] *$200,000,000* shall be for unsubsidized guaranteed loans; $11,330,000 for section 504 housing repair loans; $16,300,000 for section 514 farm labor housing; [$500,000,000] *$573,900,000* for section 515 rental housing; $600,000 for site loans; and [$200,000,000] *$187,000,000* for credit sales of acquired property: *Provided, That up to $35,000,000 of these funds shall be made available for section 502(g), Deferral Mortgage Demonstration.*

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: low-income housing section 502 loans, [$309,254,000] *$310,643,000*, of which [$6,096,000] *$3,700,000* shall be for unsubsidized guaranteed loans; section 504 housing repair loans, [$4,578,000] *$4,548,000*; section 514 farm labor housing, $8,029,000; section 515 rental housing, [$356,550,000] *$305,602,000*; and credit sales of acquired property, [$26,780,000] *$25,039,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, [$427,111,000] *$423,467,000*.

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949, as amended, [$319,900,000] *$355,498,000*; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1993 to carry out the Rental Assistance Program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than $11,800,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That of this amount not less than [$128,158,000] *$115,198,000* is available for newly constructed units financed by section 515 of the Housing Act of 1949, as amended, and not more than $5,214,000 is for newly constructed units financed under sections 514 and 516 of the Housing Act of 1949: *Provided further*, That [$174,728,000] *$235,997,000* is available for expiring agreements and for servicing of existing units without agreements: *Provided further*, That agreements entered into or renewed during fiscal year 1993 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated: *Provided further*, That agreements entered into or renewed during fiscal years 1989, 1990, 1991, and 1992 may also be extended beyond five years to fully utilize amounts obligated.

SELF-HELP HOUSING LAND DEVELOPMENT FUND PROGRAM ACCOUNT

For direct loans pursuant to section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $500,000.

For an amount, for the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans, $22,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $21,000.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $555,500,000, of which $488,750,000 shall be for guaranteed loans; operating loans, [$2,588,354,000] *$2,538,354,000*, of which $1,500,000,000 shall be for unsubsidized guaranteed loans and $238,354,000 shall be for subsidized guaranteed loans; [$3,752,000] *$3,715,000* for water development, use, and conservation loans, of which $1,415,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $1,000,000; for emergency insured loans, $115,000,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, [$125,000,000] *$50,000,000*: *Provided, That loan funds made available herein shall be completely allocated to the States and made available for obligation in the first two quarters of fiscal year 1993.*

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $33,599,000, of which $20,576,000 shall be for guaranteed loans; operating loans, [$161,765,000] *$154,256,000*, of which [$15,350,000] *$18,150,000* shall be for unsubsidized guaranteed loans and [$18,150,000] *$15,350,000* shall be for subsidized guaranteed loans; $499,000 for water development, use, and conservation loans, of which $43,000 shall be for guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $226,000; for emergency insured loans, $30,762,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, [$31,825,000] *$12,730,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $230,179,000.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), [$2,750,000] *$3,475,000*.

RURAL DEVELOPMENT INSURANCE FUND PROGRAM ACCOUNT

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended, to be available from funds in the Rural Development Insurance Fund, as follows: water and sewer facility loans, $635,000,000, of which $35,000,000 shall be for guaranteed loans; community facility loans, $200,000,000, of which $100,000,000 shall be for guaranteed loans; and guaranteed industrial development loans, $100,000,000: *Provided*, That none of the funds made available in this Act may be used to make transfers between the above limitations.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: water and sewer facility loans, $87,360,000; community facility loans, $8,410,000; and guaranteed industrial development loans, $5,440,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $58,208,000.

RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

For the cost of direct loans [$16,260,000] *$18,616,000*, as authorized by the Rural Development Loan Fund (42 U.S.C. 9812 (a)): *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans of not to exceed [$28,387,000] *$32,500,000*.

In addition, for administrative expenses necessary to carry out the direct loan programs, $529,000.

*ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT*

*For the cost of guaranteed lines of credit available pursuant to an emergency declaration as provided at section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961), $13,500,000, to remain available until expended, but not beyond fiscal year 2009: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to establish a guaranteed line of credit program level of $45,000,000, to remain available until expended, but not beyond fiscal year 2009, which the Department shall make available for the purpose of purchasing grains for the production of alcohol fuels at established cooperative facilities as necessary to meet deliveries under contract: Provided further, That a guarantee fee of one percent shall be paid at the time a guarantee is issued.*

*In addition, for administrative expenses necessary to carry out the credit guarantee program, $150,000.*

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), [$400,000,000] *$381,000,000*, to remain available until expended, pursuant to section 306(d) of the above Act: *Provided*, [That of this amount, $25,000,000 shall be available for water systems to benefit the Colonias along the U.S./Mexico border, including grants pursuant to section 306C(c)(1): *Provided further*,] That these funds shall not be used for any purpose not specified in section 306(a) of the Consolidated Farm and Rural Development Act.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $12,500,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $11,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), [$8,750,000] *$12,750,000*, to remain available until expended (7 U.S.C. 2209b).

[SUPERVISORY AND TECHNICAL ASSISTANCE GRANTS]

[For grants pursuant to sections 509(g)(6) and 525 of the Housing Act of 1949, $2,500,000, to remain available until expended.]

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $500,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing

and Urban-Rural Recovery Act of 1983 (Public Law 98-181), $23,000,000.

RURAL DEVELOPMENT GRANTS

For grants authorized under section 310B(c) *and 310B(j)* (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, $20,750,000: *Provided*, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development: *Provided further, That $2,000,000 shall be available for grants to statewide private, nonprofit public television systems in predominantly rural States to provide information and services on rural economics and agriculture: Provided further, That grants made to or to be made to these television systems during fiscal years 1990 through 1992 under the Consolidated Farm and Rural development Act shall for all purposes be deemed to have been made pursuant to Section 310B(j) of such Act.*

SOLID WASTE MANAGEMENT GRANTS

For grants for pollution abatement and control projects authorized under section 310B(b) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act, $3,000,000: *Provided*, That such assistance shall include regional technical assistance for improvement of solid waste management.

*EMERGENCY COMMUNITY WATER ASSISTANCE GRANTS*

*For emergency community water assistance grants as authorized under section 306B (7 U.S.C. 1926b) of the Consolidated Farm and Rural Development Act, $10,000,000.*

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Farmers Home Administration, $600,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-2000), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471-1490o); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440-444), for administering the loan program authorized by title III-A of the Economic Opportunity Act of 1964 (Public Law 88-452 approved August 20, 1964), as amended, and such other programs which the Farmers Home Administration has the responsibility for administering, [$679,920,000] *$676,426,000*; of which $23,802,000 is hereby appropriated, [$404,846,000] *$401,202,000* shall be derived by transfer from the Rural Housing Insurance Fund Program Account in this Act and merged with this account, $215,712,000 shall be derived by transfer from the Agriculture Credit Insurance Fund Program Account in this Act and merged with this account, $35,539,000 shall be derived by transfer from the Rural Development Insurance Fund Program Account in this Act and merged with this account, *$150,000 shall be derived by transfer from the Alcohol Fuels Credit Guarantee Program Account in this Act and merged with this account*, and $21,000 shall be derived by transfer from the Self-Help Housing Land Development Fund Program Account in this Act and merged with this account: *Provided*, That not to exceed $500,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed [$3,985,000] *$4,500,000* of this appropriation shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That, in addition to any other authority that the Secretary may have to defer principal and interest and forego foreclosure, the Secretary may permit, at the request of the borrowers, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary under this title, or under the provisions of any other law administered by the Farmers Home Administration, and may forego foreclosure of any such loan, for such period as the Secretary deems necessary upon a showing by the borrower that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of such principal and interest when due without unduly impairing the standard of living of the borrower: *Provided further, That none of the funds appropriated by this Act may be used to relocate the Hawaii State Office of the Farmers Home Administration from Hilo, Hawaii, to Honolulu, Hawaii: Provided further, That funds appropriated to the Farmers Home Administration shall be used to establish and maintain a Farmers Home Administration State office in Nevada.* The Secretary may permit interest that accrues during the deferral period on any loan deferred under this section to bear no interest during or after such period: *Provided*, That, if the security instrument securing such loan is foreclosed, such interest as is included in the purchase price at such foreclosure shall become part of the principal and draw interest from the date of foreclosure at the rate prescribed by law.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than $625,035,000 nor more than $933,075,000; and rural telephone loans, not less than [$219,325,000] *$239,250,000* nor more than $311,025,000; to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts but during fiscal year 1993 total commitments to guarantee loans pursuant to section 306 shall be not less than $933,075,000 nor more than $2,100,615,000 of contingent liability for total loan principal: [Provided further, That loans may be modified in an amount not to exceed $266,000,000:] *Provided further*, That as a condition of approval of insured electric loans during fiscal year 1993, borrowers shall obtain concurrent supplemental financing in accordance with the applicable criteria and ratios in effect as of July 15, 1982: [Provided further, That no funds appropriated in this Act may be used to deny or reduce loans or loan advances based upon a borrower's level of general funds:] *Provided further*, That no funds appropriated in this Act may be used to implement any other criteria, ratio, or test to deny or reduce loans or loan advances: *Provided further, That, hereafter, no funds in this Act or any other Act shall, in the case of a borrower that, prior to June 1, 1992, made an investment in a subsidiary involving coal gasification, be available to count the retained earnings of its coal and gas subsidiaries against the limitation of Section 312 of the Rural Electrification Act of 1936 (7 U.S.C. 940b), or to require the borrower to raise its electric rates to offset any loss of such subsidiaries if the retained earnings of such subsidiaries exceed the amount of any loss and the Administrator has not determined that without such rate increase, the borrower will be unable to repay loans made or guaranteed under this Act.*

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, [$157,609,000] *$161,269,000*; and cost of loans guaranteed pursuant to section 306, [$35,475,000 and for loan modifications, $47,880,000] *$35,388,000*.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, [$29,163,000] *$30,330,000*.

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1993 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be not less than $177,045,000 nor more than $210,540,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $35,000.

In addition, for administrative expenses necessary to carry out the loan programs, [$8,632,000] *$8,977,000*.

DISTANCE LEARNING AND MEDICAL LINK PROGRAMS

For necessary expenses to carry into effect the programs authorized in sections 2331-2335 of Public Law 101-624, $5,000,000, to remain available until expended.

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For loans authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, [$9,215,000] *$15,563,000*.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct loans, [$2,546,000] *$4,300,000*.

OFFICE OF THE ADMINISTRATOR

For necessary salaries and expenses of the Office of the Administrator of the Rural Electrification Administration, $243,000: *Provided*, That no other funds in this Act shall be available for this Office.

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901-950(b)), and to administer the loan and loan guarantee programs for Community Antenna Television facilities as authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921-1995), and for which commitments were made prior to fiscal year 1993, in-

cluding not to exceed $7,000 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $103,000 for employment under 5 U.S.C. 3109, [$37,795,000] *$39,307,000*; of which [$29,163,000] *$30,330,000* shall be derived by transfer from the Rural Electrification and Telephone Loans Program Account in this Act and [$8,632,000] *$8,977,000* shall be derived by transfer from the Rural Telephone Bank Program Account in this Act: *Provided*, That none of the funds in this Act may be used to authorize the transfer of additional funds to this account from the Rural Telephone Bank: *Provided further*, That none of the salaries and expenses provided to the Rural Electrification Administration, and none of the responsibilities assigned by law to the Administrator of the Rural Electrification Administration may be reassigned or transferred to any other agency or office.

## TITLE IV—DOMESTIC FOOD PROGRAMS

### OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Assistant Secretary for Food and Consumer Services to administer the laws enacted by the Congress for the Food and Nutrition Service and the Human Nutrition Information Service, $542,000.

### FOOD AND NUTRITION SERVICE

#### CHILD NUTRITION PROGRAMS

#### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than sections 3 and 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1773–1785, and 1788–1789), [$6,674,521,000] *$6,767,484,000*, to remain available through September 30, 1994; of which [$2,384,066,000] *$2,477,029,000* is hereby appropriated and $4,290,455,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That funds appropriated for the purpose of section 7 of the Child Nutrition Act of 1966 shall be allocated among the States but the distribution of such funds to an individual State is contingent upon that State's agreement to participate in studies and surveys of programs authorized under the National School Lunch Act and the Child Nutrition Act of 1966, when such studies and surveys have been directed by the Congress and requested by the Secretary of Agriculture: *Provided further*, That if the Secretary of Agriculture determines that a State's administration of any program under the National School Lunch Act or the Child Nutrition Act of 1966 (other than section 17), or the regulations issued pursuant to these Acts, is seriously deficient, and the State fails to correct the deficiency within a specified period of time, the Secretary may withhold from the State some or all of the funds allocated to the State under section 7 of the Child Nutrition Act of 1966 and under section 13(k)(1) of the National School Lunch Act; upon a subsequent determination by the Secretary that the programs are operated in an acceptable manner some or all of the funds withheld may be allocated: *Provided further*, That only final reimbursement claims for service of meals, supplements, and milk submitted to State agencies by eligible schools, summer camps, institutions, and service institutions within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act for meals, supplements, and milk served during any month only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary: *Provided further*, That up to [$4,083,000] *$3,780,000* shall be available for independent verification of school food service claims: *Provided further*, That [$1,322,000 shall be available] *$2,000,000 shall be available to provide financial and other assistance* to operate the Food Service Management Institute.

#### SPECIAL MILK PROGRAM

For necessary expenses to carry out the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966 (42 U.S.C. 1772), $14,898,000, to remain available through September 30, 1994. Only final reimbursement claims for milk submitted to State agencies within sixty days following the month for which the reimbursement is claimed shall be eligible for reimbursement from funds appropriated under this Act. States may receive program funds appropriated under this Act only if the final program operations report for such month is submitted to the Department within ninety days following that month. Exceptions to these claims or reports submission requirements may be made at the discretion of the Secretary.

#### SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $2,860,000,000, to remain available through September 30, 1994, *of which up to $3,000,000 may be used to carry out the farmer's market coupon demonstration project: Provided, That of these funds, up to $5,200,000 may be available to carry out the special supplemental food program, consistent with section 112 of the Department of Justice Appropriations Act, 1993, to promote neighborhood revitalization.*

#### COMMODITY SUPPLEMENTAL FOOD PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), including not less than $8,000,000 for the projects in Detroit, New Orleans, and Des Moines, $94,500,000, to remain available through September 30, 1994: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program.

#### FOOD STAMP PROGRAM

#### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), [$26,719,691,000] *$29,051,000,000*; of which $2,500,000,000 shall be available only to the extent an official budget request, for a specific dollar amount, is transmitted to the Congress: *Provided*, That funds provided herein shall remain available through September 30, 1993, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That up to 5 per centum of the foregoing amount may be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or work fare requirements as may be required by law: *Provided further*, That $345,000,000 of the funds provided herein shall be available after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program: *Provided further*, That $1,051,000,000 of the foregoing amount shall be available for Nutrition Assistance for Puerto Rico as authorized by 7 U.S.C. 2028, of which $10,825,000 shall be transferred to the Animal and Plant Health Inspection Service for the Cattle Tick Eradication Project.

#### FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $224,513,000 *to remain available through September 30, 1994.*

For necessary expenses to carry out section 110 of the Hunger Prevention Act of 1988, $32,000,000.

#### THE EMERGENCY FOOD ASSISTANCE PROGRAM

For necessary expenses to carry out the Emergency Food Assistance Act of 1983, as amended, $45,000,000: *Provided*, That, in accordance with section 202 of Public Law 98–92, these funds shall be available only if the Secretary determines the existence of excess commodities.

For purchases of commodities to carry out the Emergency Food Assistance Act of 1983, as amended, $120,000,000.

#### FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $103,535,000; of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

### HUMAN NUTRITION INFORMATION SERVICE

For necessary expenses to enable the Human Nutrition Information Service to perform applied research and demonstrations relating to human nutrition and consumer use and economics of food utilization, and nutrition monitoring, $10,788,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

## TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

### FOREIGN AGRICULTURAL SERVICE

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $125,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $110,023,000: *Provided*, That this appropriation shall be available to obtain statistics and re-

lated facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

PUBLIC LAW 480 PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) [$511,619,000] *$538,295,000* for Public Law 480 title I credit, including Food for Progress credit; (2) [$52,185,000] *$43,064,000* is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) [$763,842,000] *$810,000,000* is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) [$333,594,000] *$344,269,000* is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 10 per centum of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, [$317,800,000] *$360,981,000*.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, [$1,815,000] *$2,503,000*.

DEBT RESTRUCTURING UNDER THE ENTERPRISE FOR THE AMERICAS

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying direct credit agreements as authorized by title VI of the Agricultural Trade Development and Assistance Act of 1954, as amended, [$69,531,000] *$13,183,000*.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,000,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof, as authorized by section 211(b)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

EMERGING DEMOCRACIES EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $200,000,000 in credit guarantees under its export guarantee program for credit expended to finance the export sales of United States agricultural commodities and the products thereof to emerging democracies, as authorized by section 1542 of Public Law 101-624 (7 U.S.C. 5622 note).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out CCC's Export Guarantee Program, GSM 102 and GSM 103, $3,320,000; of which not to exceed $2,731,000 may be transferred to and merged with the appropriation for the salaries and expenses of the General Sales Manager, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Agricultural Stabilization and Conservation Service, to cover the common overhead expenses associated with implementing the Federal Credit Reform Act of 1990.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of International Cooperation and Development to coordinate, plan, and direct activities involving international development, technical assistance and training, and international scientific and technical cooperation in the Department of Agriculture, including those authorized by the Food and Agriculture Act of 1977 (7 U.S.C. 3291), $7,247,000: *Provided*, That not to exceed $3,000 of this amount shall be available for official reception and representation expenses as authorized by 7 U.S.C. 1766: *Provided further*, That in addition, funds available to the Department of Agriculture shall be available to assist an international organization in meeting the costs, including salaries, fringe benefits and other associated costs, related to the employment by the organization of Federal personnel that may transfer to the organization under the provisions of 5 U.S.C. 3581–3584, or of other well-qualified United States citizens, for the performance of activities that contribute to increased understanding of international agricultural issues, with transfer of funds for this purpose from one appropriation to another or to a single account authorized, such funds remaining available until expended: *Provided further*, That the Office may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

SCIENTIFIC ACTIVITIES OVERSEAS (FOREIGN CURRENCY PROGRAM)

LIMITATION ON EXPENSES

For payments in foreign currencies owed to or owned by the United States for research activities authorized by section 104(c)(7) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(c)(7)), not to exceed $1,062,000: *Provided*, That not to exceed $25,000 of these funds shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

## TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $744,135,000: *Provided*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $8,350,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That the Food and Drug Administration may accept donated land in Montgomery and/or Prince Georges Counties, Maryland.

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act, $25,612,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 10 per centum of the funds made available for rental payments (FDA) to or from this account.

### DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by Section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligations issued through 1993, as authorized, $84,614,000: *Provided*, That not to exceed $809,000 of the assistance fund shall be available for administrative expenses of the Farm Credit System Assistance Board: *Provided further*, That officers and employees of the Farm Credit System Assistance Board shall be hired, promoted, compensated, and discharged in accordance with title 5, United States Code.

### INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $47,300,000, including not to exceed $700 for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed [$38,686,000] *$39,908,000* (from assessments collected from farm credit institutions and from the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249, including not to exceed the following amounts: official reception and representation expenses, $1,500; Office of Secondary Market Oversight, $300,000; Office of the General Counsel, [$1,853,000] *$2,000,000*, and Office of Congressional and Public Affairs, $500,000.

**TITLE VII—GENERAL PROVISIONS**

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1993 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 659 passenger motor vehicles, of which 654 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946 and July 28, 1954, and (7 U.S.C. 427, 1621-1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

SEC. 705. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 706. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, Integrated Systems Acquisition Project, and the reserve fund for the Grasshopper and Mormon Cricket Control Programs; Agricultural Stabilization and Conservation Service, salaries and expenses funds made available to county committees; Office of International Cooperation and Development, Middle-Income Country Training Program; higher education graduate fellowships grants under section 1417(b)(6) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(b)(6)); and capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, including Tuskegee University.

New obligational authority for the Boll Weevil Program and up to 10 per centum of the Screwworm Program of the Animal and Plant Health Inspection Service shall remain available until expended.

SEC. 707. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 708. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 709. Funds provided by this Act for personnel compensation and benefits shall be available for obligation for that purpose only.

SEC. 710. No part of any appropriation contained in this Act shall be expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), pursuant to any obligation for services by contract, unless such executive agency has awarded and entered into such contract as provided by law.

SEC. 711. None of the funds appropriated or otherwise made available by this Act shall be available to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 712. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 per centum of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 713. None of the funds in this Act shall be used to carry out any activity related to phasing out the Resource Conservation and Development Program.

SEC. 714. None of the funds in this Act shall be used to prevent or interfere with the right and obligation of the Commodity Credit Corporation to sell surplus agricultural commodities in world trade at competitive prices as authorized by law.

SEC. 715. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 716. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1992 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 717. In fiscal year 1993, the Secretary of Agriculture shall initiate construction on not less than twenty new projects under the Watershed Protection and Flood Prevention Act (Public Law 566) and not less than five new projects under the Flood Control Act (Public Law 534).

SEC. 718. None of the funds provided in this Act may be used to reduce programs by establishing an end-of-year employment ceiling on full-time equivalent staff years below the level set herein for the following agencies: Food and Drug Administration, 8,924; Farmers Home Administration, 12,225; Agricultural Stabilization and Conservation Service, 2,550; Rural Electrification Administration, 550; and Soil Conservation Service, 14,177.

SEC. 719. Funds appropriated by this Act shall be applied only to the objects for which appropriations were made except as otherwise provided by law, as required by 31 U.S.C. 1301.

SEC. 720. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 721. None of the funds provided in this Act may be expended to release information acquired from any handler under the Agricultural Marketing Agreement Act of 1937, as amended: *Provided*, That this provision shall not prohibit the release of information to other Federal agencies for enforcement purposes: *Provided further*, That this provision shall not prohibit the release of aggregate statistical data used in formulating regulations pursuant to the Agricultural Marketing Agreement Act of 1937, as amended: *Provided further*, That this provision shall not prohibit the release of information submitted by milk handlers.

SEC. 722. Unless otherwise provided in this Act, none of the funds appropriated or otherwise made available in this Act may be used by the Farmers Home Administration to employ or otherwise contract with private debt collection agencies to collect delinquent payments from Farmers Home Administration borrowers.

SEC. 723. None of the funds in this Act, or otherwise made available by this Act, shall be used to sell loans made by the Agricultural Credit Insurance Fund. Further, Rural Development Insurance Fund loans offered for sale in fiscal year 1993 shall be first offered to the borrowers for prepayment.

SEC. 724. None of the funds in this Act may be used to establish any new office, organization, or center for which funds have not been provided in advance in Appropriations Acts, except the Department may carry out planning activities.

SEC. 725. None of the funds in this Act, or otherwise made available by this Act, shall be used to regulate the order or sequence of advances of funds to a borrower under any combination of approved telephone loans from the Rural Electrification Administration, the Rural Telephone Bank or the Federal Financing Bank.

SEC. 726. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research Service that exceed 14 per centum of total Federal funds provided under each award.

SEC. 727. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a Market Promotion Program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978 with respect to tobacco subsidies or if the aggregate amount

of funds and/or commodities under such program exceeds [$75,000,000] *$174,500,000*.

SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be used to enroll additional acres in the Wetlands Reserve Program, as authorized by 16 U.S.C. 3837, beyond those acres enrolled as a result of the sign-ups conducted in 1992.

SEC. 729. None of the funds appropriated or otherwise made available by this Act shall be used to enroll additional acres in the Conservation Reserve Program, as authorized by 16 U.S.C. 3831–3845, beyond those acres enrolled as a result of the sign-ups conducted in 1992.

[SEC. 730. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out the Agricultural Resource Conservation Demonstration Program pursuant to section 1465 of Public Law 101–624, as amended by section 203 of Public Law 102–237.]

SEC. [731] *730*. Such sums as may be necessary for fiscal year 1993 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

[SEC. 732. The amounts otherwise provided in this Act for the following accounts and activities are hereby reduced by the following amounts:

**[AGRICULTURAL PROGRAMS**

[PRODUCTION, PROCESSING, AND MARKETING

[OFFICE OF THE SECRETARY

[Expenses, $52,060.

[OFFICE OF THE DEPUTY SECRETARY

[Expenses, $11,570.

[OFFICE OF BUDGET AND PROGRAM ANALYSIS

[Expenses, $67,352.

[OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

[Expenses, $8,470.

[ADVISORY COMMITTEES (USDA)

[Expenses, $19,040.

[HAZARDOUS WASTE MANAGEMENT

[Expenses, $320,000.

[DEPARTMENTAL ADMINISTRATION

[Expenses, $342,030.

[OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

[Expenses, $22,420.

[OFFICE OF PUBLIC AFFAIRS

[Expenses, $208,050.

[OFFICE OF THE INSPECTOR GENERAL

[Expenses, $1,101,800.

[OFFICE OF THE GENERAL COUNSEL

[Expenses, $194,302.

[OFFICE OF THE ASSISTANT SECRETARY FOR ECONOMICS

[Expenses, $14,770.

[ECONOMIC RESEARCH SERVICE

[Expenses, $1,174,400.

[NATIONAL AGRICULTURAL STATISTICS SERVICE

[Expenses, $1,618,820.

[WORLD AGRICULTURAL OUTLOOK BOARD

[Expenses, $40,265.

[OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND EDUCATION

[Salaries and expenses, $11,670.

[ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

[Expenses, $7,644.

[AGRICULTURAL RESEARCH SERVICE

[Expenses, $3,167,580.

[COOPERATIVE STATE RESEARCH SERVICE

[Payments, $826,710.

[EXTENSION SERVICE

[Payments, $419,190.

[NATIONAL AGRICULTURAL LIBRARY

[Expenses, $345,060.

[OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND INSPECTION SERVICES

[Salaries and expenses, $10,950.

[ANIMAL AND PLANT HEALTH INSPECTION SERVICE

[Salaries and expenses, $8,618,780.

[FEDERAL GRAIN INSPECTION SERVICE

[Salaries and expenses, $339,750.

[AGRICULTURAL COOPERATIVE SERVICE

[Expenses, $160,420.

[AGRICULTURAL MARKETING SERVICE

[MARKETING SERVICES

[Expenses, $1,130,400.

[PACKERS AND STOCKYARDS ADMINISTRATION

[Expenses, $237,500.

**[CONSERVATION PROGRAMS**

[OFFICE OF THE ASSISTANT SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

[Salaries and expenses, $15,080.

[SOIL CONSERVATION SERVICE

[CONSERVATION OPERATIONS

[Expenses, $9,438,765.

[RIVER BASIN SURVEYS AND INVESTIGATIONS

[Expenses, $286,023.

[WATERSHED PLANNING

[Expenses, $143,011.

[WATERSHED AND FLOOD PREVENTION OPERATIONS

[Expenses, $3,432,218.

[RESOURCE CONSERVATION AND DEVELOPMENT

[Expenses, $572,046.

[GREAT PLAINS CONSERVATION PROGRAM

[Expenses, $429,034.

[AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

[AGRICULTURAL CONSERVATION PROGRAM

[Expenses, $3,888,700.

**[FARMERS HOME AND RURAL DEVELOPMENT PROGRAMS**

[OFFICE OF THE UNDER SECRETARY FOR SMALL COMMUNITY AND RURAL DEVELOPMENT

[Salaries and expenses, $7,130.

[FARMERS HOME ADMINISTRATION

[RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

[Administrative expenses, $6,410,632.

[RURAL ELECTRIFICATION ADMINISTRATION

[Salaries and expenses, $755,900.

**[DOMESTIC FOOD PROGRAMS**

[OFFICE OF THE ASSISTANT SECRETARY FOR FOOD AND CONSUMER SERVICES

[Salaries and expenses, $12,290.

**[FOREIGN ASSISTANCE AND RELATED PROGRAMS**

[FOREIGN AGRICULTURAL SERVICE

[Expenses, $2,200,460.

[OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

[Expenses, $295,435.

**[RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION**

[DEPARTMENT OF HEALTH AND HUMAN SERVICES

[INDEPENDENT AGENCIES

[COMMODITY FUTURES TRADING COMMISSION

[Expenses, $946,000.

[FARM CREDIT ADMINISTRATION

[Administrative expenses, $773,720.

*SEC. 731. From funds appropriated under this Act, not to exceed $4,000,000 may be used to implement international science, education, and development programs pursuant to section 1458 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977: Provided, That the use of these funds shall be subject to prior approval of the House and Senate Committees on Appropriations.*

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1993".

The PRESIDING OFFICER. The majority leader.

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

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I want to say to my colleagues that I have been acting chairman of this Agriculture Appropriations Subcommittee, filling in for Senator BURDICK, for about a week today. This bill is essentially the craftsmanship and the work of Senator BURDICK.

I am very pleased to report to my colleagues that our revered colleague, Senator BURDICK, left the hospital last Friday, is feeling much better, and hopefully will be back soon. I would like to have postponed this bill until he could be back to manage, but he has specifically requested that we proceed with it.

Overall, the agriculture bill appropriates $61.4 billion for all agencies of USDA with the exception of the Forest Service, the Food and Drug Administration, the Commodity Futures Trading Commission, and several farm credit system agencies. There are two main points that need to be stressed with regard to funding contained in the bill.

First, of the total spending in this bill—$61.43 billion—$47.7 billion, or 77.5 percent is for mandatory programs. The Appropriations Committee has no control of this funding. Rather, the law determines the benefits that are provided, and we are forced to provide funds to accommodate the law.

Second, almost two-thirds of the bill—64 percent—or $39.3 billion is for domestic food programs that go predominantly to urban areas. Included in that total is $29.1 billion for food stamps, 1.9 billion for the WIC Program, and $6.8 billion for child nutrition programs. This is really more of an urban bill than a rural bill.

If I may digress from my formal remarks, this would be a very good place

to say that there is an increase of $5.7 billion in this bill for food stamps, which tells you the devastating impact the recession is not only having on the country, but the devastating impact it is having on the U.S. Treasury.

Mr. President, I want Senators to know that the subcommittee's top priority was funding for the WIC Program. It has received by far the largest increase in the bill. For WIC, we are providing $2.86 billion, a $260 million increase over last year, or 10 percent. The subcommittee has consistently provided large increases for WIC. For the last 4 years WIC funding has increased by 10 percent or more each year. Given the budget constraints we face, I believe the committee can be proud that we were able to provide this big of an increase for WIC.

Again digressing from my prepared remarks, Mr. President, I would simply like to say there are two health care programs that the Federal Government funds that return more to the treasury than we spend.

The immunization program, immunizing our children against preventable childhood diseases, returns somewhere between $10 and $15 over the long run for every dollar we spend on it. We could eradicate every childhood disease.

Mr. President, they are not benign. When you say childhood disease, people think of something that is going to put a child in bed for a couple of days, and maybe the mother will have to stay home from work a day or two. They are deadly. It is absolutely inconceivable and unacceptable that a nation such as ours, with the means to prevent every single childhood disease—preventable childhood diseases—that we do not do so.

The second pay-back program is this WIC Program. We are only covering a little over 50 percent of the poor, pregnant women, infants, and children in this country with the WIC Program. The WIC Program provides a nutritious diet to pregnant women and promptly refers them to good prenatal care and neonatal care.

And every time you have a low-weight baby because the mother did not get care while she was pregnant, and especially because she did not get a nutritious diet, the taxpayers get to pick up the tab from somewhere between $400,000 and $1 million.

GAO has recently done a study that shows that the WIC Program returns $3 for every dollar we put into it.

Therefore, I again say the committee is very pleased that we could increase the budget by 10 percent. It is a tragedy that, because of budget constraints, we cannot provide funding for every single poor pregnant mother and the infants and children in the country. And for everyone we do not provide care for, we are shooting ourselves in the foot.

Other important increases include $16 million for the Food Safety and Inspection Service in order to avoid possible layoffs at meat and poultry plants around the country; a $12 million increase for the Soil Conservation Service so that it can better meet the conservation requirements of the 1985 and 1990 farm bills; a $36 million increase for rural housing rental assistance payments in order to meet the estimated renewals and servicing of contracts; a $31 million increase for water and sewer grants throughout the country; and an $18 million increase for the Food and Drug Administration.

In order to provide some of these increases, the subcommittee did have to make cuts in other programs; however, we feel that has been done responsibly and will not negatively—or marginally affect these programs. Several loan accounts in the Farmers Home Administration have been reduced, however the levels that we provide should be sufficient to meet estimated needs in 1993. We have also reduced special research grants throughout the country, and funds for construction of buildings and facilities significantly from the 1992 levels.

The subcommittee recommends going along with the House in regard to the Conservation Reserve Program and the Wetlands Reserve Program. For the Conservation Reserve Program, no new signups will be allowed in 1993. As much as I would like to have funded the Wetlands Reserve Program, a program I feel very strongly about as does the environmental community of this Nation, the budgetary constraints just do not allow it. By prohibiting the Wetlands Reserve Program from moving forward in 1993, the subcommittee saved $178 million and without these savings, significant other cuts would have had to be made to ongoing programs. I hope we will be able to move the Wetlands Reserve Program into a truly national program the next year.

Considerable interest has been expressed in the Market Promotion Program to the subcommittee. The House cut this program from $200 million in 1992 to $75 million. That is a $125 million cut in the Market Promotion Program. This subcommittee has cut from $200 million to $174.5 million for 1993.

Mr. President, I want to point out for the record that there is an omission in the Committee report accompanying H.R. 5487, the Agriculture appropriations bill.

Under the rural development grant account of the Farmers Home Administration, there should have been report language providing for the continuation of a grant, in the amount of $250,000, for the North Dakota Agricultural Products Utilization Commission. This is the same amount that was provided under this account in fiscal year 1992.

Mr. President, I recommend this bill to my colleagues, and I earnestly solicit their support.

With that, I defer to my distinguished ranking member, Senator COCHRAN, of Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, first of all, let me thank the distinguished Senator from Arkansas for his comments and for his cooperation in putting together this important appropriations bill. It provides funds beginning October 1 of this year for the Department of Agriculture and related agencies.

It has been a difficult task because of the constraints of the budget process and the 602(b) allocation of funds to this subcommittee. As are all subcommittees of the Appropriations Committee, we are restricted in the total amount of funds that we can allocate to the various programs and activities that come within the jurisdiction of our subcommittee. This year's levels of funding are right at the ceiling of allowable funding by this subcommittee, so any amendment that might be offered on the floor of the Senate that would increase funding for any particular function in the bill will have to be offset by a corresponding decrease in funding in some other account in the bill. Therefore, we are hoping that Senators will look very carefully at the provisions of the bill, and we hope that the bill can be supported by the Senate and passed today without amendment. We understand there may be some amendments that will be offered. We will be prepared to discuss and debate those if they are.

I have some prepared remarks that describe in detail the provisions of the bill. Many of the things that I have included in my statement have already been covered by the distinguished acting chairman of the subcommittee, Mr. BUMPERS, so I will not go over all of those.

I will make a few comments, though, about what I consider to be some of the highlights of the bill that might be of interest to Senators.

One item in particular that I think is very important is the account for programs that involve agriculture research. One of the important elements in the success of U.S. agriculture over the years has been the support from the private and public sector for agriculture research initiatives. We have become preeminent in the world in agriculture production and efficiency and it is because, I think, we have allocated so much time and effort and energy into developing more efficient ways of producing food and fiber, more effective ways of protecting our water and soil resources, and, also, doing a great amount of scientific research to help ensure a safe, nutritious, and wholesome supply of food for American con-

sumers. So, all of these areas are targeted for funds in this bill to keep U.S. agriculture No. 1 in the world.

Our country's economic well-being today depends upon the continued successful exporting of U.S. agriculture commodities and products. For that reason, there is a very strong degree of support in this bill for market promotion programs of the Department of Agriculture to help deal with unfair trade practices from foreign competitors and to help make sure that U.S. exporters and U.S. farmers are treated fairly in the international marketplace.

I think we have proven over the years that we can compete anywhere with anybody because of our efficiencies and the hard work that is turned in by the agriculture sector. But when individuals who are trying to sell what they produce in overseas markets are confronted with foreign governments that are hostile to our interests, it sometimes takes a cooperative effort with our Government, acting through the Department of Agriculture and other Federal agencies, to offset the impact of those efforts that are made, sometimes unfairly, by foreign competitors to frustrate the sale of U.S. agriculture commodities and products.

So we have a Market Promotion Program, which contains important funds to deal with that problem; we have an Export Enhancement Program that is funded in this bill; and there is the Public Law 480, or Food for Peace Program that also has a market development component in it—all of which are very, very important to the continued well-being of the U.S. agriculture sector and to our overall economy as well.

We also have important provisions in the bill, for rural development activities.

There is, I might add, a growing awareness that most of the funds contained in this bill provide nutrition assistance to those in our society who cannot adequately provide for their own needs from their own resources. Over the years, the Food Stamp Program has been funded in this bill, along with the Women, Infants, and Children Program. We also have school lunch programs and school breakfast programs that are very important in helping to meet nutrition needs of children and those who attend our schools throughout the United States.

As a matter of fact, what used to be an agriculture appropriations bill has now become a nutrition bill; 64 percent of the funds contained in this bill that we are presenting to the Senate today are for food assistance and nutrition programs for American citizens. This is a $61 billion bill. So you get an idea about the enormous commitment that is being made in the committee's recommendation for meeting these important nutrition needs of our citizens.

It has been a pleasure to work with the distinguished Senator from Arkansas [Mr. BUMPERS] in developing this proposal for the Senate's consideration. We had good support from the other members of the subcommittee as well. We had a number of requests from Senators to look at specific requests for funding of projects and programs throughout the country, and we tried to consider all of those in a fair and very careful way.

I am convinced this is a good bill. It deserves the support of the Senate.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill, as thus amended, be regarded for the purposes of amendment as original text, provided that no point of order should be waived by reason of the agreement to this request.

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

STATEMENT ON ENERGY AND WATER APPROPRIATIONS BILL

Mr. SASSER. Mr. President, the Senate Budget Committee has examined H.R. 5487, the agriculture and rural development appropriations bill, and has found that the bill is at its 602(b) budget authority allocation and under its 602(b) outlay allocation by $7 million. The bill is also within its discretionary and international spending allocations.

I compliment the distinguished manager of the bill, Senator BUMPERS, and the distinguished ranking minority member of the Agriculture Subcommittee, Senator COCHRAN on all of their hard work.

Mr. President, I have a table prepared by the Budget Committee which shows the official scoring of the Agriculture appropriations bill and I ask unanimous consent that it be printed in the RECORD at the appropriate point.

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

SENATE BUDGET COMMITTEE SCORING OF H.R. 5487

AGRICULTURE SUBCOMMITTEE SPENDING TOTALS—SENATE REPORTED

[In millions of dollars]

| Bill summary | Budget authority | Outlays |
|---|---|---|
| Domestic discretionary | 12,300 | 11,840 |
| Senate 602(b) allocation | 12,300 | 11,841 |
| Difference | 0 | −1 |
| International | 1,574 | 1,573 |
| Senate 602(b) allocation | 1,574 | 1,579 |
| Difference | 0 | −6 |
| Mandatory total | 41,123 | 32,370 |
| Senate 602(b) allocation | 41,123 | 32,370 |
| Difference | 0 | −0 |
| Bill total | 54,997 | 45,783 |
| Senate 602(b) allocation | 54,997 | 45,790 |
| Difference | 0 | −7 |
| Domestic discretionary above (+) or below (−): | | |
| President's request | 806 | 392 |
| House—passed bill | 86 | 38 |
| Senate—reported bill | | |
| International above (+) or below (−): | | |
| President's request | 125 | 69 |
| House—passed bill | 35 | 13 |
| Senate—reported bill | | |

AGRICULTURE SUBCOMMITTEE SPENDING TOTALS—SENATE REPORTED—Continued

[In millions of dollars]

Mr. BUMPERS. Mr. President, Senator COCHRAN and I seem to have the Senate floor all to ourselves, and normally that would be fine if I had a barn-burning speech to make, which I do not. So I am going to, by addressing myself to the amendments on this bill, say to my colleagues that we are going to move to third reading on this bill very shortly. Anybody who wishes to vent his or her spleen on the bill or offer an amendment had better well get over here and do it because this is one of the busiest days of my life.

Interior appropriations is meeting at 3 o'clock this afternoon. I have a lot of things on that bill that I need to attend to. I would like to finish by then. We are not going to sit here all morning twiddling our thumbs waiting for somebody to decide whether or not they are going to offer an amendment.

With that, 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. BAUCUS. 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 CASE FOR EXTENDING SUPER 301

Mr. BAUCUS. Mr. President, I rise today to urge the passing of a market opening trade bill this year.

I congratulate the House on passing a trade bill just before the recent congressional recess. Although I have concerns about some provisions in the bill, on the whole I think it is a good effort.

I was particularly pleased to see that the House bill—H.R. 5100—included a 5-year extension of Super 301, the Trade Agreements Compliance Act, and a strengthening of Special 301. These are critical market-opening changes to U.S. trade laws. I introduced similar provisions in the Senate some months ago.

Mr. President, the world is changing. National security is now more determined by economic strength than military strength. Increasingly, our national security will be determined more by our ability to deliver semiconductors and autos to foreign capitals than bombs and missiles.

For this reason, I very much hope that the Senate can pass this legislation in the next few weeks.

MARKET OPENING PROVISIONS OF THE 1988 TRADE ACT

To understand why this market opening legislation is critical to American business, American workers, and American trade policy, we have to go back to 1988.

The 1988 Trade Act created an array of new market opening trade laws, including Super 301 and Special 301.

Super 301 was aimed at countries that systematically resort to protectionism to exclude U.S. exports. The provision required the USTR to identify those countries that maintained the most egregious trade barriers and initiate negotiations aimed at eliminating the barriers under threat of retaliation.

In just 2 years of operation, Super 301 was successful in ending Brazil's system of import licenses and opening the Japanese market to United States exports of processed forest products, satellites, and supercomputers.

Just the threat of being identified under Super 301 was enough to convince several nations to conclude major market opening agreements with the United States. All in all, Super 301 has compiled a spectacular record of success—even in the face of very unenthusiastic implementation by the Bush administration.

THE ADMINISTRATION'S RECORD

But Super 301 expired in 1990, and the Bush administration has opposed its extension. Administration officials argue that they have the authority to initiate Section 301 cases without Super 301.

That statement is undeniably true. But the fact is that the administration does not initiate cases unless it is forced to do so.

Take a look at the record. Of the 17 Section 301 cases initiated during the first 3 years of the Bush administration, 9 were forced by either Super 301 or Special 301.

The Bush administration initiated only four Section 301 cases on their own volition—most of which were initiated under strong congressional pressure. The remaining cases were initiated after the administration was petitioned by U.S. industry.

But the only Section 301 cases initiated against Japan were forced by Super 301.

In fact, even though it was forced to initiate cases under both Super 301 and Special 301, the Bush administration initiated Section 301 actions no more frequently than the Reagan administration.

SUPER 301 AND THE GATT

The administration also argues that a Super 301 extension might endanger the Uruguay round.

Frankly, I am tired of walking on egg shells in order to keep the ghost of the Uruguay round alive. I certainly support our objectives in the round. I was, in fact, the only Senator to travel both to Brussels in 1990 and to Geneva in 1991 to witness the planned conclusion of the Uruguay round.

Needless to say, neither meeting concluded the round. We must now, therefore, be realistic. The prospects for the round appear grim. The Europeans seem utterly unwilling to budge on agricultural export subsidies. Without such a move by the EC, there will almost certainly be no Uruguay round.

Further, many key trade issues, such as Japanese business collusion, would not be addressed even if the round was successfully concluded.

At least up to this point, Super 301 has been far more successful in opening markets than the Uruguay round. I see no reason to hold up our decision to extend Super 301 awaiting an outcome for the 6-year-old Uruguay round negotiations.

Furthermore, the best way to push the Uruguay round toward a conclusion is to demonstrate to our trading partners that there will be a day of reckoning. We must be willing to address their trade barriers under Super 301 if they cannot be resolved in the round. Perhaps the Uruguay round will look more appealing to the French, the Japanese, and the Koreans if the alternative is addressing the same issues under Super 301.

As things stand, other nations realize that once Super 301 expired, the United States lost its big stick. Early last year, a group of prominent United States businessmen working in Korea visited my office. They asked if I could at least begin talking about extending Super 301. When I asked them why they said that Super 301 was the only tool in the American trade arsenal that the Korean Government took seriously. It was the best tool for keeping Korean protectionism in check.

EXTENDING SUPER 301

In my opinion, it is long past time for the United States to bring back the big stick of Super 301. The statute worked well and should be extended whether or not we have a successful GATT round.

I recognize that at this late date it will be difficult to make many changes in Super 301. But the House trade bill and S. 1850—that is the Super 301 extension I introduced along with Senators DANFORTH and RIEGLE—both essentially call for a straight 5-year extension of Super 301. I hope the Congress can pass such an extension this year.

But Super 301 is not the only market-opening provision of the 1988 Trade Act. There is also the Special 301 provision which is aimed at ending piracy of American intellectual property, such as films, books, and computer software items.

Special 301 has compiled almost as impressive a record as Super 301. It is responsible for winning improved protection for United States intellectual property in China, Indonesia, Taiwan, Mexico, and many other countries.

But the credibility of Special 301 is in jeopardy because the administration has declined to retaliate against India and Thailand—even though these countries blatantly pirate United States intellectual property. India actually reexports many pharmaceuticals that it pirates from the United States.

The House bill contains a provision aimed at strengthening the retaliation requirements under Special 301. I hope a similar provision can be developed in the Senate bill.

Mr. President, I am far more interested in passing a trade bill that will open foreign markets and make a real difference for American exporters and workers than I am in playing politics.

The Congress has a real chance to defy the conventional wisdom and pass a responsible, market-opening trade bill in an election year.

I believe that Congress should send such a market-opening trade bill to the President, and see if he, too, will put politics aside.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, I rise to offer an amendment to reduce wasteful spending on computers at USDA and use those funds to continue a nationwide Wetlands Reserve Program—a program supported by Congress, the President, farmers, and environmentalists.

The Senator from Minnesota, Senator DURENBERGER, is the principal cosponsor of this amendment.

USDA's current size is staggering. We have all heard the figures. If USDA were a bank, its $140 billion in assets would make it the second largest bank in the country. If USDA were a U.S. corporation, it would rank fourth in assets—larger than Mobil or IBM.

Faced with the facts of the declining population of American farmers and a $400 billion deficit, the committee undertook a program of oversight of USDA's operations this year.

We challenged USDA to explain why it still needed over 8,000 offices, representing four different farm service agencies, in virtually every county in the United States.

We found that offices that were established when farmers drove Model T's, were not needed in the days of interstate highways.

We also looked at USDA's computer programs.

We found that there are 600 people in just the Agriculture Stabilization and Conservation Service doing software development work—and ASCS is only one of the 35 agencies at USDA.

In 1991 alone, USDA spend $650 million to acquire, operate and maintain computer equipment. That is more than USDA spends annually for many of its agencies—the Food Safety Inspection Service, the Extension Service, the Economic Research Service, or the Foreign Agricultural Service for example.

In 1993, USDA will spend another $400 million on computers for the farm service agencies.

The committee's oversight work, in which the ranking member, RICHARD LUGAR has been such a leader, has been successful.

It culminated in a decision by Secretary Madigan last month to form a SWAT team to study, among other things, the benefits of merging the four farm service agencies.

In light of this commitment by the Secretary to reorganize the Department, Senator LUGAR and I pressed USDA again and again to stop the computer spending until reorganization decisions were made. It makes no sense to modernize four computer systems, if the four farm service agencies were to be consolidated.

At this time USDA continued to refuse to make the commitment to stop the computer spending.

Therefore, last month I introduced legislation to stop USDA's long-term computer purchases for fiscal year 1993.

Progress last week when the Secretary finally told me that he will not purchase any new farm agency computer systems until the SWAT team submits its recommendations for reorganizing and consolidating the Department sometime after the election.

But I was amazed to learn that the Secretary did not plan to reduce computer funding for fiscal year 1993 at all.

In brief, the Secretary believes the four farm agencies still need $191 million for planning long-range computer objectives in fiscal year 1993. That is in addition to $206 million needed for operations and maintenance of existing systems.

So, we decided to take a closer look at the projects planned under this category. What we found were projects in ASCS and FCIC totaling $55 million—including intra-agency, nonmaintenance projects—that could well be rendered obsolete after restructuring. For example:

A strategic plan for ASCS management information systems, $14 million;

An automated ASCS administrative procedures system for travel, legislative tracking, et cetera, $.9 million;

A local area network for ASCS headquarters and State offices, $10.6 million;

An ASCS long-term program improvements/operations streamlining program, $11.6 million;

A program to develop a common methodology for ASCS software development, $1.7 million; and

An FCIC office automation modernization project, $16.1 million.

I understand the need for replacing broken computers in county offices, developing new software to fix financial management systems, or renewing maintenance contracts so that existing hardware will remain in working order. This amendment leaves $342 million in USDA's budget for these needs.

But I do not understand the need for individual agency strategic planning projects or a local area network project for headquarters when USDA is likely to be restructured within months.

Last time I spoke on this issue I asked: "If you were building a house, would you buy a furnace before you decided whether there would be one or four bedrooms?"

Today I ask: why put up new wallpaper in the individual bedrooms if the walls may be torn down next year when a modern, streamlined house is built with less bedrooms?

It is our job to make sure that the Department of Agriculture is doing everything it can to cut waste. To do this, we must take this $55 million out of fiscal year 1993 appropriations now.

We must save the American taxpayer this $55 million—before it is arbitrarily wasted.

Fortunately, saving this money will also provide funding for the essential Wetlands Reserve Program, which was zeroed out by the bill before us.

The Wetlands Reserve Program is a voluntary program which protects and restores farmed wetlands.

It was at the heart of a historic compromise developed between the farm community and the environmental community in the 1990 farm bill.

I do not need to tell anyone in this institution that wetlands are contentious issue.

To address farmers' concerns about wetlands, we made a number of changes in the 1990 farm bill that make the swampbuster provisions, established in the 1985 farm bill, more workable for farmers and easier for the Department of Agriculture to implement. We reduced penalties, permitted farmers to drain so-called nuisance wetlands and permitted farmers to drain wetlands that interfered with their operations if they mitigated the damage.

The farming community also wanted to be more involved in a positive way in addressing wetlands issues.

That is why the 1990 farm bill created the Wetland Reserve Program. This program lets farmers play a positive role in protecting wetlands in a way that makes sense to them economically.

This program also provides relief to farmers who believe that the use of their land is economically restricted by wetland rules. These farmers can receive payments from the Federal Government to preserve wetlands and make up for lost farm income.

In time this program will protect a million acres of wetlands in a way that benefits the environment, farmers, sportsmen and recharges our ground water supplies.

I must emphasize that the benefits of the Wetland Reserve Program are given directly to farmers who restore farmed or drained wetlands. This is not a regulatory program.

I must also mention that the cost of the Wetlands Reserve Program was scored against the agricultural programs funded by Agriculture Committee in the 1990 farm bill for a 5-year period.

If we had known that the Appropriations Committee did not intend to fund the program established by Congress, and that it would refuse to fund the President's request to build the wetlands reserve, we could have used these funds to protect the income of dairy, wheat, rice, cotton or corn farmers in other ways.

Instead we created a wetlands reserve because it made sense for both for the farmer's pocketbook and our environment. As it turns out, this program is enormously popular with farmers. Ten times the expected number of farmers signed up for the wetland reserve.

So Mr. President, we reached a compromise between the agricultural and environmental communities in the farm bill. It is supported by the President of the United States and is very popular with farmers.

Instead of the farm community being blamed for draining wetlands and being portrayed as enemies of the environment, this program created the opportunity for the farmers to be part of the solution to our wetlands crisis.

I urge my colleagues to use the savings from stopping spending on computers—money that should not and must not go forward until the Department is reorganized—and instead fund this program that was mandated by Congress, supported by the President, is popular with farmers and is a contribution to the environment.

The choice is simple—bureaucratic waste, or support for American farmers and our environment.

I urge my colleagues to support this amendment.

AMENDMENT NO. 2768

(Purpose: To reduce appropriations for long-range information resources management objectives by the Agricultural Stabilization and Conservation Service and the Federal Crop Insurance Corporation and to increase appropriations for the Wetlands Reserve Program)

Mr. LEAHY. I send to the desk my amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2768.

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

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

The amendment is as follows:

On page 30—

(1) On line 5, strike "$714,551,000" and insert in lieu thereof "$702,451,000"; and

(2) On line 6, strike "$712,926,000" and insert in lieu thereof "$700,826,000".

On page 33, line 5, strike "$326,048,000" and insert in lieu thereof "$309,948,000".

On page 47, between lines 3 and 4, insert the following:

"WETLANDS RESERVE PROGRAM

"For necessary expenses to carry out the Wetlands Reserve Program on a national basis pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.), $42,780,000 to remain available until expended: *Provided*, That none of the funds made available by this Act shall be used to enter in excess of 47,980 acres in fiscal year 1993 into the Wetlands Reserve Program provided for herein: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.".

On page 88, strike line 1 and all that follows through line 5; and insert in lieu thereof the following:

"SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a program for the purchase of computer hardware and software and other costs in support of long-range Information Resource Management objectives in Automated Data Processing if the aggregate amount of funds for such purchases exceeds $35,700,000.".

ADDITIONAL COSPONSOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Senator DURENBERGER be listed as a cosponsor of the amendment.

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

The PRESIDING OFFICER. Is there further debate?

Mr. BUMPERS. Mr. President, obviously, the Senator from Vermont is due some differential treatment on any amendment he offers on the Agriculture Appropriations Committee, because he is chairman of the full Agriculture Committee. And he touches a nerve with me, because he is trying to fund the Wetlands Reserve Program, which is a very popular program with me, as well as environmentalists across the country.

There are two things that trouble me about the amendment. One is the Wetlands Reserve Program is operating on a pilot basis and, for the benefit of those who may not be familiar with the program, it is designed to encourage farmers to convert cropland to wetlands; a highly desirable goal.

We put in $40 plus million last year to fund this year's program, and they were to report back to us on how the program was working: What they are paying for these easements and so on—what kind of land they are getting.

I do not mind telling you I was upset because Arkansas was not one of the nine States, and I think we should be. And our wetlands are much greater than some of the States that were chosen. To be brutally frank with you, the decision was made on a purely political basis and that is tragic always.

But that does not diminish from the thrust of the program. Mr. President, let me give you an illustration. The other day, in visiting with the people in the Department of Agriculture, I found that what they are doing is that they go to these farmers and they say "We want an easement on this land. We want to convert it back to wetlands. Presumably it was wetlands at one time, some of it. We want an easement on this land for 30 years to be controlled by us. We do not want you farming it anymore. We want this to be wetlands."

Let me strike what I just said, to change it this way: The Congress has said that the Department of Agriculture can go to a farmer on this Wetlands Reserve Program and say, "You have 50 acres out here that we think they qualify. We would like to talk to you." The farmer usually comes to them, frankly, and says "I have some land that I would like to put in the wetlands reserve." They look at it and they say, "What would you like, what would you take for this 50-acre tract, and in perpetuity; forever?" He sets a price, they negotiate, they get appraisals, and so on.

Now, the Congress has given the Department of Agriculture the right to take a 30-year easement, not an easement forever; but the Department has chosen not to do that. They have chosen not to take 30-year easements. When they take an easement they take an easement forever. It is almost like selling the property in fee simple.

So far, they are authorized 50,000 acres. Mr. President, so far, the average cost of this program is $927 an acre. I must tell you that sounds like a pretty handsome sum to me. I have a farm I would sure like to sell them for $927 an acre.

I am sure this is all on the up and up and they do evaluations and appraisals on this land. But they are to report back to us, and one of the things they are going to report back to us is that they have been spending $927 an acre on the Wetlands Reserve Program. Maybe they can justify it. It sounds high to me. I am half farmer. It sounds high to me based on land values around my State.

Second, Mr. President, the Secretary of Agriculture says that if we do what the Senator from Vermont is requesting us in this amendment we are going to wind up revamping the Department of Agriculture, which is underway in a rather harum-scarum way, because they say they need this technological boost and software and technology, and so on, in order to decide how many offices they are going to close, how well these offices communicate with each other, and the decisions are going to be made in a nonbusinesslike manner. There is some confusion about just how much money is involved. The Secretary of Agriculture just told the committee that the President's request contains $397 million for computers, software, and technological advances.

The Senator from Vermont chooses to take $55 million of that and put it in the wetlands reserve. I can tell you, if I thought the Department of Agriculture were not going to be seriously crippled, I would not even be standing up here talking. I would say I will accept your amendment.

So it is very difficult. There is one thing I do know that makes the Senator's amendment a little more palatable and that is we are probably going to have 2 or 3 years before all of this equipment is going to really be needed, and so perhaps a case can be made for the Senator's amendment.

Let me just close by saying this to my good friend from Vermont: The House chose not to put one penny into the Wetlands Reserve Program. If I were king, I would disagree with that, because I think the wetlands reserve program is a very good program. As I told you, I am concerned at what they are spending. But the House put nothing in it; they feel very strongly that we should not fund it again in 1993. They have a lot of carryover money. They are still signing up farmers, and they will continue to sign them in 1993 from the money we gave them last year.

So the only thing I can say to the Senator is we might accept this amendment on two conditions. No. 1, he has another amendment which I think he will not offer and, second, with the understanding we will take this amendment to conference. But I cannot guarantee to him that the House is going to recede to the Senate position. Of course, the Senator knows that I strongly favor the wetlands reserve program and I am rather glad that he did not choose to fund it out of the market promotion program which is also very popular across the country.

Mr. LEAHY. Mr. President, will the Senator yield.

Mr. BUMPERS. I am happy to yield.

Mr. LEAHY. Mr. President, there is one thing I should note so there is no confusion. I know the Senator is not confused on this point. I want to make sure nobody else is. This is not longer a payout program that is to be available to everybody.

I, too, am concerned about what prices might be paid by the Department for something of this nature. We have written it in the law, and this has

been the view of the Senate Agriculture Committee. And it is certainly in the farm bill. It will also be the view expressed in the oversight hearings that we have in the Agriculture Committee. The Department does not have to accept unreasonable bids.

I have some land in my tree farm in Vermont that I would be happy to sell for $800. I am not sure how somebody would get to it evenly up the side over a mountain. I suppose it gets wet at some point. I would be happy to sell it for $800, but I am sure if I ever did that, the people who have to check those bids in Vermont would enjoy a laugh over it, and that would be the end of it. So they do not have to accept high bids.

Second, I know the Senator's interests in the wetlands provision. He has been one of the leading voices for environmental conscious legislation in this body.

But what I am concerned is we will take it to conference. I always wanted to get beyond the Ohio clock on the way to conference. I, too, have brought things to conference which tend to disappear like the early morning vapors on the way. I would hope that this amendment would get a very strong vote, a very clear vote in the Senate, and would thus strengthen the hands of the conferees.

I have been in those conferences. I do not envy either the chairman or the ranking member in having to go to such a conference. It could be one of the most contentious, difficult times. Like the chairman and like the ranking member, I have had to vote for things in conference that I did not like simply to be able to get a bill through, because it had far more things that I liked than I did not like. I say that because with the two managers in this conference you could not have two more qualified Members of the U.S. Senate. I say that to my good friend from Arkansas and my good friend from Mississippi. You could not have two Senators more qualified to take the bill to conference than they.

With that, I see the Senator from Mississippi on the floor, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. COCHRAN. Mr. President, I respect very much the distinguished Senator from Vermont in his role as chairman of the Agriculture Committee and in the effort that he is making now to try to find some source for funding of the Wetlands Reserve Program over and above the amount contained in the bill. I would like to see more money in that program as well. It is very popular among landowners in my State of Mississippi who are making plans to sign up for and take advantage of the opportunities in that program.

So I sympathize with that goal which the Senator has described. I must say, though, that I regret that the effort is being targeted to take funding away from the Secretary's program of modernization and improvement of program delivery and service delivery at the Department of Agriculture.

Secretary Ed Madigan is doing an excellent job, in my judgment, trying to identify ways to make the department more efficient, to streamline its delivery of program services, and to modernize operations.

The Senate should not take any action to impose changes or revisions of the plan the Secretary has laid out to achieve these important changes.

As members of the Senate Agriculture Committee will remember, Secretary Madigan came to our committee on April 8 to discuss his plans and to answer questions that were put to him by members of the committee about what he had in mind for the Department of Agriculture in this regard. We need to give him a chance to carry out the plans that he is developing, and refrain from imposing constraints on his actions and cutting his budget for computer-related services.

It is obvious to me that a lot of the suggestions and ideas that he presented to the committee make a great deal of sense and are long overdue.

In a recent letter that the Secretary sent to the chairman of the Agriculture Committee, the distinguished Senator from Vermont, he stated his commitment to halt the purchase of new types of computer systems in field offices of the farm service agencies until the departmentwide review of those offices had been completed.

The Secretary further announced a new program of consolidated procurement of future computer systems for those offices. The desirable effects that will ensue from that new policy will be, first of all, the computers of the agencies would be made compatible as between the Farmers Home Administration, the ASCS, Soil Conservation Service, and the crop insurance offices, so that those agencies could exchange and share information so they would have access to the same data.

The second result of that new program implementation would be that paperwork would be reduced for farmers, and it would make more efficient the operation of the department's field offices.

The third result would be that future costs of buying computers for USDA field offices would be reduced, starting in fiscal year 1995, after a new contract is awarded.

Computer related activities to be funded in the 1993 budget for farm agencies are critical to the effective management of these programs, and they are vital to serving farmers, ranchers, and others who obtain services from the Department of Agriculture.

Many of the computer systems in the field offices are old; they are out of date. Many are overloaded because of new program demands, disaster assistance programs and others, in the last couple of years.

The Secretary has given his assurance that he will not make irrevocable investments in field office computers that will be wasted by future decisions on office closings and consolidations.

Mr. President, I hope that any consideration of restrictions or language that would impede or restrict the Secretary in implementing these management changes would be looked at very carefully by the Senate. I hope the Senate will resist adopting any changes that would undermine the efforts being made.

I ask unanimous consent that a copy of a letter from the Secretary of Agriculture to Senator LEAHY as chairman of the Agriculture Committee, dated July 22, 1992, together with a USDA long-range IRM objectives plan, be printed in the RECORD at this point.

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

DEPARTMENT OF AGRICULTURE,
*Washington, DC, July 22, 1992.*

Hon. PATRICK J. LEAHY,
*Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.*

DEAR PAT: Thank you for your letter of July 22, 1992, concerning our plans for the farmer agency computer systems. I appreciate your support for our efforts to consolidate our computer procurement activities.

I am sorry there has been some confusion over the budget numbers associated with this action, as well as generally with our 1993 budget for information resources management activities. We believe our efforts to consolidate computer purchases will yield significant savings in the long term. However, initial contracts for new systems will not even be entered for about 2 years. In the meantime, we cannot leave the involved agencies without reasonable budget resources to maintain their current systems and pursue some urgent short-term objectives in areas such as financial management, information systems, etc. The President's Budget does in fact include $397 million for this purpose.

Of the total of $397 million included in the President's Budget, $191 million is classified as contributing to "long-term objectives." It is my understanding that in the briefing on July 20th, your staff asked for a further breakdown of this funding. The enclosed book provides that information. You will note that only about 25 percent of these funds would be used for equipment. The vast majority of the funding would support software, personnel, contracting and other costs necessary to maintain present systems.

Your letter now indicates that you would like similar information for the entire $397 million. We have no objection to providing that information. I have asked our staff to develop it as soon as possible and provide it to your staff as an addition to the material in the enclosed book. We anticipate that this additional data will indicate the same pattern of spending as is the case for the first $191 million.

We believe that the General Accounting Office recommendation is based on a misunderstanding of the budget information and hope that the enclosed material will help to

clarify the situation. Our Information Resources Management staff is available to provide any further assistance you may need.

Sincerely,

EDWARD MADIGAN,
*Secretary.*

USDA LONG-RANGE IRM OBJECTIVES—FISCAL YEAR 1993

The President's 1993 Budget for the Department of Agriculture includes $190.6 million in the budgets of the four farm service agencies (the Agricultural Stabilization and Conservation Service (ASCS), the Farmers Home Administration (FmHA), the Soil Conservation Service (SCS), and the Federal Crop Insurance Corporation (FCIC) for hardware, software, as well as personnel and related costs in support of "long-range IRM objectives" in ADP. These budgets may be summarized as follows:

| | *Millions* |
|---|---|
| Agricultural Stabilization and Conservation Service | $76.2 |
| Farmers Home Administration | 67.5 |
| Federal Crop Insurance Corporation | 23.2 |
| Soil Conservation Service | 23.7 |
| Total | 190.6 |

Attached is further information concerning each of these agencies. In reviewing this information it should be noted that:

The term "long-range IRM objectives" has a broad definition. While agency efforts support long-term objectives, in many cases they also support urgent short-term needs related both to field delivery of programs and to management information systems. Further, as the attached information indicates, this "long-range IRM objectives" category can be divided into two areas. The first relates to field office initiatives and activities. The second includes initiatives that are not directly related to field activities. This latter area includes accounting system improvements, financial management system improvements, and management information system activities.

The budget figures predate the Secretary's recent announcement on ADP. Specifically, Secretary Madigan recently announced a precedent-setting change in the way that the Department will plan and procure computer systems for the farm service agencies. In the past, each agency managed its own ADP activities independent of the other farm service agencies. Under the new procedures, USDA will proceed with a single, consolidated systems development plan for field office systems for ASCS, FmHA and SCS. This plan will be coordinated fully with the acquisition of computers for the FCIC which is currently underway. Further, the FCIC contract for computer acquisition will not be awarded until the USDA-OMB review teams complete their analysis and report to the Secretary. There are no funds included in the FY 1993 Budget for the procurement of new systems for ASCS, FmHA and SCS. The Budget includes funding only to maintain the capability or provide required upgrades to existing computer systems.

The Secretary's initiative is built on a recognition of the fact that current field office systems are nearing the end of their useful lives and must be replaced with a new system. However, while planning for the new system will begin in FY 1993, the award of a contract and placement of orders for a new system is at least 2 years into the future. Savings due to economies of scale and other efficiencies resulting from the new system will be substantial but will not occur for several years. In the meantime, the funds requested in FY 1993 are critical to maintain current systems and provide for the cost of planning and conducting a procurement for the new system.

In addition to the field office activities area, FY 1993 budgets include funds categorized as "long-range IRM objectives" for initiatives that are not directly related to field activities. As noted above, these include accounting systems, financial management systems, decision support systems, and management information systems. These systems provide support for ongoing program activities such as loan repayment and agency claims, and provide information on program decisions to policy-level officials.

Attachments include:

Overview:

Totals for USDA Long-Range IRM Objectives.

Totals for USDA Long-Range IRM Objectives—Field Office System Initiatives.

Totals for USDA Long-Range IRM Objectives—Other Than Field Office System Initiatives.

Agencies:

Totals for Each USDA Agency—Field Office System Initiative.

Totals for Each USDA Agency—Other Than Field Office System Initiatives.

Narrative Description of Agency Initiatives.

Mr. DURENBERGER. Mr. President, as the primary cosponsor of this amendment, I rise to support my colleague from Vermont. The Wetlands Reserve Program is sound public policy that will help every American. The Wetlands Reserve Program will protect a vital natural resource that serves several important ecological functions.

The Leahy-Durenberger amendment is very simple. It takes $54.9 million from the long-range computer purchase budget of the Department of Agriculture and moves it to the Wetlands Reserve Program. In a letter to the Senate Agriculture Committee on June 18, 1992, Secretary Madigan stated that such computer purchases are unnecessary while he attempts to restructure the Department.

This amendment is supported by environmental groups such as the Center for Resource Economics, National Wildlife Federation, World Wildlife Fund, Wildlife Management Institute, Natural Resources Defense Council, National Audubon Society, Environmental Defense Fund, Chesapeake Bay Foundation, and Sierra Club.

President Bush also requested $161 million for the Wetlands Reserve Program.

Wetlands are a national resource because they serve several important ecological functions. Wetlands act as biological filters. They slow the rate of water runoff. And, they support and replenish stream flows and ground water sources. Wetlands also provide a significant habitat for wildlife, especially migratory waterfowl, and fisheries.

As we understand more about the environmental value of wetlands, we realize that the Federal Government placed an entirely different set of values on wetlands in the past. Within our lifetime, Federal policy provided incentives to landowners to drain wetlands in order to increase the production of food and encourage development.

These past policies reflected a grave misunderstanding of one of the Earth's most vital resources. Fortunately, Senators and the general public are understanding the error in the past wetlands policies and are creating policies to protect wetlands. One of these policies is the Wetlands Reserve Program.

The Wetlands Reserve Program gives farmers a financial incentive to set aside wetlands for conservation. This program works on the same principle as the highly successful Conservation Reserve Program which has helped preserve hundreds of thousands acres of soil. The Wetlands Reserve Program was supposed to enroll 466,000 acres in fiscal year 1993. The Leahy-Durenberger amendment will provide funding for 62,000 acres of wetlands. A number I feel is inadequate but which is better than nothing.

Because wetlands have a value that spans generations, public policy must work to protect these resources. Every time I fly over my home State of Minnesota, I am reminded of the wetlands that brought delight to my life as a young boy growing up in rural Stearns County. Those wetlands were unique science laboratories.

Public policy in the 1990's must protect wetlands for future generations. The Leahy-Durenberger amendment would restore funding to the Wetlands Reserve Program which will help us accomplish this goal. I urge my colleagues to support this program.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know we have gone beyond the time we have set to recess for caucuses.

I ask unanimous consent that we be able to continue on this matter.

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

AMENDMENT 2768, AS MODIFIED

Mr. LEAHY. Mr. President, I send a modification of my amendment to the desk on behalf of myself and Senator DURENBERGER.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The modification is as follows:

On page 30—

(1) On line 5, strike "$714,551,000" and insert in lieu thereof "$702,451,000"; and

(2) On line 6, strike "$712,926,000" and insert in lieu thereof "$700,826,000".

On page 33, line 5, strike "$326,048,000" and insert in lieu thereof "$309,948,000".

On page 47, between lines 3 and 4, insert the following:

"WETLANDS RESERVE PROGRAM

"For necessary expenses to carry out the Wetlands Reserve Program on a national basis pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.), $54,900,000 to remain

available until expended: *Provided*, That none of the funds made available by this Act shall be used to enter in excess of 61,500 acres in fiscal year 1993 into the Wetlands Reserve Program provided for herein: *Provided further*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.".

On page 88, strike line 1 and all that follows through line 5; and insert in lieu thereof the following:

"SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a program for the purchase of computer hardware and software and other costs in support of long-range Information Resources Management objectives in Automated Data Processing if the aggregate amount of funds for such purchases exceeds $35,700,000.".

Mr. LEAHY. So my distinguished colleagues from Arkansas and Mississippi will understand, Mr. President, this simply shows a difference in budget authority, and it reflects new CBO numbers that we received when we came here.

Mr. President, as I noted before, the distinguished Senator from Arkansas and the distinguished Senator from Mississippi are two of the most knowledgeable and qualified Members of this body. And I know that, if this is included, they will do their level best in conference with the other body.

While I had originally planned to have a rollcall vote, I also know that the distinguished leaders of this body are trying to get through a lot of legislation today. And so rather than do that, I am perfectly willing to accept a voice vote on this amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I think that is a suitable solution on this amendment.

Mr. SANFORD. Mr. President, I rise in favor of the amendment offered by Senators LEAHY and DURENBERGER to restore at least some funding for the valuable Wetland Reserve Program [WRP].

As my colleagues know, this program has received uniform approval from members of the conservation community and the farm community, the Republican administration and Democrats in Congress.

The program has been well defined by others here today, but I think it is important to note once again that we are not taking land from farmers or forcing them to restore their land to its prior wetland condition. The Government is giving landowners a choice. We are exercising common sense through this program.

Farmers in my home State and the other eight fiscal year 1992 pilot States have become part of the conservation community through this program. Because of the heated debate over how to protect our Nation's wetlands, our farmers have unfairly and wrongly become a scapegoat for many environmentalists on this issue. The success of the Wetlands Reserve Program in North Carolina and other States proves to me that farmers want to help restore wildlife habitat if given an opportunity to do so without sacrificing their ever-dwindling farm profit margins.

We had great hopes for the Wetlands Program when most of us voted to authorize the initiative in the 1990 farm bill, but last year Congress provided less than half of the funding needed to make this a national effort. Only 9 States were chosen to participate in the pilot program last year; North Carolina farmers signed up to enroll 25,000 acres in the program. The USDA received requests to enroll almost a half-million acres from the nine States eligible to participate.

This year, just as last year, I joined a number of my colleagues in requesting proper funding for WRP from the Agriculture Subcommittee of the Appropriations Committee. I do understand the constraints expressed by my friends on that subcommittee and have heard a number of them speak in favor of the Wetlands Reserve Program in principle, and of their hope to give more attention to this initiative next year. I fear, however, that we might lose valuable momentum, both in Congress and among members of the farm community, if we do not keep this project alive.

It is not often that Congress can point to such consensus among various interests on a given program; I hope we can take advantage of this unity to affect real change for the better for our environment.

Mr. President, I urge my colleagues to support the distinguished chairman of the Agriculture Committee in his efforts to allocate $50 million from present USDA designation for computers to be applied directly to the Wetlands Reserve Program.

Mr. PRYOR. Mr. President, I want to commend my colleague, Senator PATRICK LEAHY, chairman of the Senate Agriculture Committee, for his amendment to strike a double blow for efficiency and wisdom.

This amendment would reduce expenditures in a wasteful USDA exercise in computer purchases, and instead, channel those funds into the critically important Wetland Reserve Program [WRP]. As a sponsor of creating the WRP during the 1990 farm bill, I am acutely aware of the dire need in funding such a program. For much too long, outside interests have attempted to dictate to our farmers what they can do with farmland, with little regard to the farmer's private property rights. As a myriad of Federal agencies have wrestled over a definition of wetlands, farmers have dealt with many uncertainties as they await a clear directive. There is much unease because of the amount of acreage which might eventually be defined as wetlands, and practically rendered useless. In essence, our producers who pay the taxes and the mortgage, and just want to farm the same land as they have always farmed could be told they are to be penalized for past mistakes made by others.

The WRP is a program that is vital to wildlife, environmental and the right of private property concerns. Its function, once fully funded and expanded to a nationwide program, could serve as a universal model which enables us to achieve conservation goals simultaneously with economic fairness. There are millions of acres in this country which have produced a bountiful food and fiber supply for America and the world, and which could, under a practical WRP, serve as a haven for waterfowl and wildlife. Securing this partnership is a testament to the school of thought that we do not have to choose one or the other; we can have both.

The leadership and vision in addressing the WRP and the many issues it includes has been exemplary from the author of the amendment as well as the bill's floor managers, Senator BUMPERS and Senator COCHRAN.

I applaud the action of the Senate in accepting this language and now have reason for hope as we look forward to an era of what can be accomplished for this planet when we remain sensitive to the rights of private property.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2768), as modified, was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to.

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

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from Arkansas and the distinguished Senator from Mississippi for their courtesy.

I yield the floor.

Mr. BUMPERS. Mr. President I understand that there is an order regarding a recess until 2:15; is that correct?

The PRESIDING OFFICER. The Senator is correct.

## RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ADAMS).

## IMPROVED ENERGY EFFICIENCY MOTION TO PROCEED CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 776, an act to provide for improved energy efficiency:

J. Bennett Johnston, David L. Boren, Alan Cranston, Fritz Hollings, Bob Kerrey, Robert Byrd, Howell Heflin, John Breaux, George Mitchell, Howard M. Metzenbaum, J. Lieberman, Joe Biden, Frank R. Lautenberg, Jim Sasser, Slade Gorton, Warren B. Rudman, Phil Gramm, Connie Mack, Jake Garn, Frank H. Murkowski.

## CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

## VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 776, the Comprehensive National Energy Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. BURDICK] and the Senator from Tennessee [Mr. GORE], are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Florida [Mr. MACK], is necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS], is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS], would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 93, nays 3, as follows:

[Rollcall Vote No. 154 Leg.]

YEAS—93

| | | |
|---|---|---|
| Adams | Bryan | D'Amato |
| Akaka | Bumpers | Danforth |
| Baucus | Burns | Daschle |
| Bentsen | Byrd | DeConcini |
| Biden | Chafee | Dixon |
| Bingaman | Coats | Dodd |
| Bond | Cochran | Dole |
| Boren | Cohen | Domenici |
| Bradley | Conrad | Exon |
| Breaux | Craig | Ford |
| Brown | Cranston | Fowler |
| Garn | Leahy | Robb |
| Glenn | Levin | Rockefeller |
| Gorton | Lieberman | Roth |
| Graham | Lott | Rudman |
| Gramm | Lugar | Sanford |
| Grassley | McCain | Sarbanes |
| Harkin | McConnell | Sasser |
| Hatch | Metzenbaum | Seymour |
| Hatfield | Mikulski | Shelby |
| Heflin | Mitchell | Simon |
| Hollings | Moynihan | Simpson |
| Inouye | Murkowski | Specter |
| Johnston | Nickles | Stevens |
| Kassebaum | Nunn | Symms |
| Kasten | Packwood | Thurmond |
| Kennedy | Pell | Wallop |
| Kerrey | Pressler | Warner |
| Kerry | Pryor | Wellstone |
| Kohl | Reid | Wirth |
| Lautenberg | Riegle | Wofford |

NAYS—3

| | | |
|---|---|---|
| Durenberger | Jeffords | Smith |

NOT VOTING—4

| | |
|---|---|
| Burdick | Helms |
| Gore | Mack |

The PRESIDING OFFICER. On this question the yeas are 93 the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, notwithstanding the outcome of the previous vote, the Senate remains on H.R. 5487, the agriculture appropriations bill.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. JOHNSTON. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. BUMPERS. I am happy to yield.

ORDER OF PROCEDURE

Mr. JOHNSTON. Mr. President, I ask unanimous consent that I be permitted to propound a question to the majority leader about the energy bill.

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

Mr. JOHNSTON. Mr. President, with the concurrence of the majority leader, I would like to suggest that he or I make a unanimous-consent request.

Since he now has concurred, I ask unanimous consent that the 30 hours available to the Senate to debate the motion to take up—now that cloture has been invoked—be dispensed with so that, when we finish this bill, we go directly to the energy bill rather than have 30 hours of debate.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. Mr. President, reserving the right to object, and I shall not object. I want my chairman to know that there is a certain minor unravel that is taking place in the agreement we thought we had. It will, as I promised with the others, be resolved, but should it not be—rather than use 30 hours now, we will start the process over, should that take place. I just want the Senator from Louisiana to understand that. I do intend to see what I perceive to be the agreement accommodated before ultimately we have the opportunity to complete action on this bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana that 30 hours be dispensed with?

Without objection, it is so ordered.

## UNANIMOUS-CONSENT REQUEST

Mr. JOHNSTON. Mr. President, I have a further unanimous-consent request which, if the Senator will listen, I think might be suitable to him.

I ask unanimous consent that the only amendments that would be in order on this bill, when taken up, would be a Bradley amendment on alternative minimum tax, with a time agreement of 1 hour, with any second-degree amendments to be limited to 30 minutes and to be germane; a Rockefeller amendment, with only germane second-degree amendments, but with no time limit; and that upon disposal of those two amendments, we proceed immediately to third reading and final passage, without intervening motions or delays.

The PRESIDING OFFICER. Is there objection?

Mr. SYMMS. Mr. President, reserving the right to object, I would like to add to that list a Symms-Graham from Florida amendment, 2 hours equally divided, regarding the cap on tax-free revenue bonds for the high speed rail.

Mr. JOHNSTON. Mr. President, I would accept that. I think that we have the outlines here of an agreement, but I will not propound it at this time. Perhaps in a few minutes we can write it up. We would also need provisions so that the chairman of the committee can propose his amendment, as modified by the committee with provisions for the Rockefeller amendment. But we will put it in writing and propound it in the next few minutes.

Mr. WALLOP. Mr. President, I urge the Senator to move slowly. There is nothing that the Senator from Wyoming would rather do than complete action on this bill, like 3 days ago. But I cannot, in all good conscience, commit that we will be able to clear such a thing in a few minutes. There will be Republicans who will not have heard of this, and I hope they do not, but they may have a desire to offer amendments. So we will require a little time to determine what they may be going to do.

The PRESIDING OFFICER. Does the Senator from Louisiana withdraw his unanimous-consent request?

Mr. JOHNSTON. Yes.

The PRESIDING OFFICER. The unanimous-consent request is withdrawn.

The Senator from Arkansas is recognized.

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AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT

The Senate continued with the consideration of the bill.

Mr. BUMPERS. Mr. President, I want to say, for the benefit of my colleagues on the floor and those who are listening and watching, I had originally thought we were going to be able to finish this bill in the next hour and a half. Staff has handed me a list of amendments, many of which I have not heard of before. I really do not know how controversial they are going to be, but I will read them off quickly:

A Simon amendment to reduce the market promotion program by $3.8 million to provide $1.9 million for a clinical pharmacology program in Illinois; a Levin amendment to provide a million and a half dollars for taxol research; a Brown amendment to eliminate the honey program; a Brown amendment regarding tobacco, and I do not know what that is; a Brown amendment regarding research grants, and I do not know what that is; a McCain amendment regarding unauthorized programs. I think that is an amendment that would strike everything in the bill that has not been authorized in the 1990 farm bill, or other authorizations. A McCain amendment regarding Social Security earnings test which, as you know, he has offered before, and on which a point of order will be raised, and 60 votes will be required to override that. A Smith amendment regarding freeze levels. I do not know what he is freezing. A Domenici amendment regarding the food stamp thrifty food program; a Dole amendment, content unknown; a Graham of Florida amendment regarding reduction of administrative expenses. Finally, I now understand that Senator LEAHY has another amendment.

So unless everybody is here as these amendments are disposed of, and others who want to offer amendments, unless they are here, you can probably expect a rather late evening; because I can tell you that three or four of these amendments will require extensive debate.

I yield the floor.

AMENDMENT NO. 2769

(Purpose: To reduce an appropriation)

Mr. GRAHAM. Mr. President, I send the 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 Florida [Mr. GRAHAM], for himself and Mr. PRYOR, proposes an amendment numbered 2769.

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

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

The amendment is as follows:

On page 64, line 14, strike out "$39,307,000" and insert in lieu thereof "$37,795,000", and on line 15, strike out "$30,330,000", and insert in lieu thereof "$29,163,000", and on line 17, strike out "$8,977,000", and insert in lieu thereof "$8,632,000".

Mr. GRAHAM. Mr. President, the amendment which I sent to the desk, and one other that will follow, are consistent with policy adopted earlier today when the Senate voted to hold at current levels the general administration and overhead costs for the Departments of Commerce, Justice, and State.

I want to commend the subcommittee for the outstanding frugality that it has demonstrated in most of the sections of the Department of Agriculture budget. As an example, in the area of the Office of the Assistant Secretary for Administration, this budget purports to hold at the current year's level of funding, $596,000.

It also does the same—that is, hold to the current year level of funding in the U.S. Department of Agriculture building operation and maintenance, Department of Administration, and the Agricultural Stabilization and Conservation Service. In those areas, the recommendation for fiscal year 1993 is at, or in some instances below, the current year's level of funding.

The two areas in which I am proposing amendments in order to achieve the same objectives are, first, in the area of rural electrification. I draw to the attention of my colleagues, page 64 of the bill. I will note, beginning on line 14, that the number which had been recommended by the House, which for this particular account was $39.795 million, has been struck and the Senate has inserted $39.307 million. The figure which is in the original House print, Mr. President, is fiscal year 1992 funding level—that is, the House has already adopted the principle for REA, of holding for purposes of its administrative overhead at the current level of funding. The Senate has recommended a slight increase.

The amendment which is before the Senate now would provide for a substitution of the current level of funding for the overhead and general administration of the REA, consistent with the policy we have adopted for three other agencies, and consistent with the policy which was followed in most of the agencies of the Department of Agriculture.

I offer this amendment on behalf of myself and Senator PRYOR. I would be pleased to respond to any questions.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I have not seen this amendment before this very moment. So I would like to engage the Senator in a colloquy if I could and ask, first of all, on page 64, line 14, he strikes out $39 million-plus, and inserts $37 million-plus for a savings of roughly $1.5 million. Is that the administrative expense the Senator is trying to save?

Mr. GRAHAM. Yes.

Mr. BUMPERS. In what category, what program?

Mr. GRAHAM. This is in the category of the salaries and expenses under the general administration of the Rural Electrification Authority. Apparently the funding for this agency comes from various areas, one of which is under an area of general appropriations. It is that area which is the subject of the amendment on line 14. Another component which begins on line 15 is derived by transfer of the rural electrification and telephone loans program account and another amount beginning on——

Mr. BUMPERS. How much do we save on line 15?

Mr. GRAHAM. On line 15, we save the difference between $30,333,000, and $29,163,000, or approximately $1.15 million.

Mr. BUMPERS. Is that the difference between $30,333,000 and $29,163,000?

Mr. GRAHAM. It is done standing on my feet, Mr. President. It is approximately a difference of slightly less than $1.2 million.

Mr. BUMPERS. The Senator has another small savings of roughly $340,000 on line 17. What is that?

Mr. GRAHAM. Yes. That is the amount which is derived from transfer of the rural telephone bank program account. Apparently the way this agency is financed is it receives funds for its general overhead from at least those three accounts.

I point out again that all of the numbers which I am proposing are exactly the numbers that were made available for the current fiscal year and are the same numbers which were recommended by the House of Representatives.

Mr. BUMPERS. Are all of these figures in the House bill?

Mr. GRAHAM. All of these figures are in the House bill. This amendment will be making the Senate bill conform to the House bill.

Mr. BUMPERS. As the Senator knows, I have been the prestigious chairman of this subcommittee exactly 1 week, so I am not in a position to argue strongly with the Senator about this. But I will read the Senator—if he will give me his attention a moment—the committee report which was drafted when Senator BURDICK was here and the subcommittee was marking up this bill.

The committee notes that the REA is not acting on applications for the telephone and

electric programs in a timely manner. Part of that problem alleged is shortage of staff resources. Therefore, an increase to the 1992 level for salaries and expenses is provided. The committee directs the Department to process applications quickly in order to meet the minimum loan levels established and to exceed those minimums up to the established maximum so that the resources are made available to rural America in a timely manner.

I do not know who is right. As I say, I just came on the scene, and the Senator may be justified in going to the House numbers. As the Senator knows the House number has a cut in their figures. They cut to the 1992 level, this year, and is that what the Senator is doing?

Mr. GRAHAM. Precisely.

Mr. BUMPERS. He is saying there should be no increase in these three programs for 1993?

Mr. GRAHAM. In the same way the committee has already made the same judgment for programs such as the Department of Administration, the Agricultural Stabilization and Conservation Service, the buildings operation and maintenance, and the Assistant Secretary for Administration, all of which were held at or below current levels of funding.

Mr. BUMPERS. First, even the President requested more for this budget than the Senator is providing. I am not saying that is sacred. But I am making the point the Senator is cutting below the Presidential request and going to the House level that had already cut what the President requested?

Mr. GRAHAM. I will point that in the action that we took earlier today we cut substantially below. We had already with the actions taken by Senator HOLLINGS and Senator RUDMAN cut the Department of Commerce, the Department of Justice, and the Department of State in those cases below what the President recommended. The policy, however, that was adopted was one that insofar as the general administration overhead is concerned they should be held to the 1992 levels of funding, and the rationale for that is that every study that has looked at how to bring greater efficiency and productivity into the Federal Government, every study that has suggested a road map for the reduction of the Federal budget deficit, has had as one of its first steps the reduction of overhead.

Governor Clinton has recommended an across-the-board 3-percent cut in every Federal agency. He has recommended 100,000 personnel terminations in the bureaucracy. If we are going to focus our direction I think this is a good time to start.

Mr. BUMPERS. The Senator does not want to preempt this dynamite issue from Governor Clinton, does he?

Mr. GRAHAM. No. I want to show Governor Clinton that we seriously support his economic leadership, which happens in this case to be consistent with the direction which President Bush has also stated that he feels that we should take and that is dealing with the Federal budget deficit primarily by spending reductions. If this is not the place to start, where is the place to start?

Mr. BUMPERS. The Senator has warmed the cockles of every heart, including this Senator, when he is cutting administrative expenses, particularly when I am not in a position to know precisely whether this subcommittee's increases were justified or not. I will say this: REA is very big in my State, and they have not contacted me about this. Does the Senator have a big presence in REA?

Mr. GRAHAM. REA is a major provider of services in my State. I am a great admirer of what they have done. I believe, however, that the central office can operate in 1993 on the same funds it operated on in 1992. This will be a challenge to it to seek out areas of greater efficiency and productivity.

Mr. BUMPERS. I say to the Senator, I am willing to accept the amendment. I will defer to my distinguished ranking member, Senator COCHRAN, for any comments he may have. This is not a big cut and perhaps it is very legitimate. If it is, I would love not only to accept it but stick with it in the conference. Of course, this puts the House and the Senate together but, as the Senator knows in conference any thing can happen. So, with that, I am willing to accept that.

I was not at the hearing when REA testified. And I have not had any mail from people who said REA is behind, they are not dealing with these things in a timely manner, as the committee report says, but I assume the committee report is reflecting the current situation. So between now and the time we go to conference with the House, it will give us a little chance to look into it and see whether or not this is justified. I divinely hope the Senator is right and I hope I can support him in the conference.

Mr. GRAHAM. I thank the Senator.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I sympathize with the effort to reduce unnecessary spending and try to make our programs more efficient, to eliminate waste and unnecessary funds from the Federal budget. There is no time that I can remember since I have been in the Senate, and in the other body, that we needed to look with greater scrutiny at the provisions of all bills, appropriations bills, and legislative bills that authorize spending.

But in this particular account, the committee attempted to deal with a real live problem that affects the ability of an agency to perform its duties as required by law, laws passed by Congress, laws that reflect the legitimate interests and needs of people who live in small towns and rural communities throughout this country.

The REA is not just some bureaucracy over there that is churning out money and throwing it on the ground or wasting funds. The REA loans money so that people who do not have electricity in their houses can have electricity, and they can have utility bills that they can afford to pay. Reasonably priced electricity in rural communities is a matter of national policy in our country. There has been a difficult problem, because the REA has not been given the money it needs to hire staff to process loans, to make these funds available to rural cooperatives so that they could extend lines and generate more electric power to provide for the needs in those communities that are eligible for these programs.

The administration recognized the problem. And when they send the budget up here this year, they wanted to do something about the shortfall in funding and the problem not having adequate staff to deal with the mandates imposed on this agency.

The administration requested $32,822,000 for the salaries and expense account for electric and telephone loans. That is in the category by transfer. The amendment of the distinguished Senator from Florida would not only do away with the modest increase that was provided by this committee over and above the amount approved by the House committee, but it would reduce the funding by almost $4 million below the amount requested by the administration.

And as the distinguished Senator from Arkansas is having to do, I am calculating here without the benefit of any rehearsal. I am looking at the numbers and trying to describe the practical impact of the Senator's amendment. It is a substantial reduction in funding below the sum requested by the administration.

I am convinced, if we do not provide the funds that we have in the Senate bill, that you are building in a necessity for a supplementary appropriations later in the year to try to make up for the deficiencies that are created by the adoption of this amendment.

Let me point out to the Senate one practical problem. If we adopt this amendment offered by the Senator from Florida, it will not be subject to modification in conference. What he is doing is trying to make the Senate numbers exactly as they are in the House bill so they will not be subject to conference.

If we wanted to just turn over all the appropriations decisions to the House of Representatives, that is the way we would appropriate in every account in the bill and every other bill before the Senate. As a matter of fact, that may be what the Senator wants to do, just

put the Senate out of business in the appropriations process and turn it over to the House.

I am seriously worried that if we permit the House funding levels to stand, we are going to make a bad problem worse.

The distinguished Senator from Arkansas read the provisions of the committee report that has been developed to try to explain what the problem is. The problem is a backlog of loan applications for telephone consumer loans, for REA electric distribution loans. That is the problem.

Now the Senator from Florida says, "We don't have a problem." Or, "If that is a problem, I don't care. We are not going to respond to the problem. We are going to ignore it." Or, "We are going to come in and set an example in this one agency and reduce funding way below what the administration says is necessary to deal with the problem and make it the same, unresponsive amount that the House provides in its bill."

I hope we will not agree to this amendment.

The REA Program is one that has meant a great deal to the people who live in my State of Mississippi. I can remember when we did not have electricity or telephone services in a large part of our State. And when we did see the REA come into being and provide electric utility service, it changed life in rural Mississippi and rural America as nothing in my memory ever has.

Those days are days of history. But many of the problems of providing rural electric service are the same today as they were 40 years ago. It is more expensive to string wire when you have a density of population of only one family every half mile or so. And, in North Dakota, South Dakota, the Great Plains area, the expense is even greater than that, and the density is even more dramatic in its differences between those areas and urban areas of a State like Florida.

The fact is, that is why the Federal Government is providing assistance in the construction of electric power lines and generating plants that are necessary to provide this service where it otherwise would not be available. Your investor-owned utilities are not going to provide that service. They are not going to do it because it does not generate a profit. It is a money loser, because the people cannot afford to pay the actual costs of stringing wire, setting poles, doing the things you have to do, servicing and maintaining the lines in these rural and less densely populated areas of our country.

I am not going to be a party to turning our back on the people that live out there in those small towns and rural communities that get service from the REA. If we are going to emasculate the bill and pick out this place to do it, I am going to resist it, and I hope the Senate will reject it.

I hope Senators who are aware of the fact that this amendment has been offered by the Senator from Florida and his and my friend from Arkansas, Mr. PRYOR, will take another look at what they are asking the Senate to do. It may sound like a little bit of money, but it is just another step in the erosion of the ability of the REA to do what Congress has asked it to do.

I think enough is enough. The House cut these numbers. I do not think the Senate should cut them, too.

The Senator cannot have it both ways. He is complaining about the administration's economic policies and saying that he would like to help candidate Clinton get an early start in keeping a campaign promise.

Well, if this is the kind of promise they are making, I do not think people in rural America are going to appreciate it. If they file an application and try to get assistance for an REA loan and find out there is nobody up here to process the loan, they are going to want to know why. Well, I will be among those telling them why if this amendment is agreed to.

I intend to move to table the amendment after people have gotten through talking about it. I hope the Senate will sustain the motion to table this amendment. This is something that just should not be approved on this bill.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, to respond to some of the comments of my good friend from Mississippi, there is no intention here to abrogate the important role which the Senate plays in setting national spending policy.

The position which I am taking, and will attempt to take on a consistent basis, is that in these general administration overhead accounts, we should freeze at the 1992 level. It happens that that is a policy which quite coincidentally has already been adopted by the House of Representatives.

It is not that that is driving this decision. It is the fact that we are facing a $400 billion deficit. Remember that every one of these dollars that we appropriate, we are going to finance three of them through current year revenue, and we are going to add the fourth dollar to the national deficit.

I think that is intolerable. I think it is a breach of faith of our generation to the next generation. And, therefore, in this small way, I want to demonstrate that this Senate, this Congress, is prepared to start the very difficult process.

If we are not willing to cut this minuscule amount out of these programs, not to devastate them but to hold them to the level of funding that they are currently operating upon, where in the world are we going to get the credibility to make the much more difficult decisions that are going to be down the road if we are serious about bringing this Federal budget deficit under control?

The fact is, Mr. President—and I would ask the Senator from Mississippi if he has different information that I do—according to the report which I have received, the 1993 budget explanatory notes for the Committee on Appropriations by the U.S. Department of Agriculture, on page 12-4, it states, that the President had recommended for the administration of this agency, I say to the Senator, the President's recommendation was $32,822,000. That same number appears on page 110 of the committee report.

Now, the President apparently had also recommended that fees be collected on new RTB—which I assume is the rural telephone account—loans, which will be used to offset administrative expenses.

So what apparently the administration has done is recommend that a new level of fees be added, but that the direct appropriations from the general Treasury be at the level of $32,822,000. That figure, of course, is substantially below the figure which is contained in this amendment, which is $37,795,000.

So, Mr. President, we are attempting here to apply a consistent policy. We are not proposing to adversely affect the REA's. Most of the REA's operation is not in Washington, thank goodness; most of it is out in the Glade counties and the Jackson counties and the Walton counties of America, serving the people.

What we are talking about here are those persons here in Washington who provide the overhead and general support to the Washington bureaucracy of the REA. We are appropriating, to the overall REA accounts, a substantial increase—according to the information that I have—over what we have done in the past in terms of funding for 1992, as opposed to 1993, for the basic loan subsidies and loan authorizations which are the essence of the REA activity.

But what we are focusing on here today is the general administration and overhead.

Again, I say if we are not willing to take this minor step toward fiscal prudence, where are we going to take that step?

Mr. COCHRAN. Mr. President, has the Senator concluded his remarks? Has he yielded the floor?

Mr. GRAHAM. I yield the floor.

Mr. COCHRAN. Mr. President, I do not want to cut debate off prematurely, but I see no other Senators on the floor wishing to debate.

It is my intention, as previously stated, to move to table the amendment of the Senator. But I do not want to do that if he has anything further to say on the amendment.

Hearing no request for debate, I move to table the amendment of the Senator from Florida.

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.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Florida.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PRYOR (when his name was called). Present.

Mr. FORD. I announce that the Senator from North Dakota [Mr. BURDICK] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from Florida [Mr. MACK] is necessarily absent.

I further announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 155 Leg.]

YEAS—54

| | | |
|---|---|---|
| Adams | Ford | Mitchell |
| Akaka | Garn | Murkowski |
| Baucus | Gorton | Nunn |
| Bingaman | Gramm | Packwood |
| Boren | Hatch | Pressler |
| Breaux | Hatfield | Reid |
| Bumpers | Heflin | Riegle |
| Burns | Hollings | Rudman |
| Byrd | Inouye | Sanford |
| Cochran | Jeffords | Sarbanes |
| Conrad | Johnston | Sasser |
| Craig | Kassebaum | Shelby |
| Daschle | Kasten | Specter |
| DeConcini | Kennedy | Stevens |
| Dole | Leahy | Symms |
| Domenici | Lott | Thurmond |
| Durenberger | McConnell | Wallop |
| Exon | Mikulski | Wellstone |

NAYS—41

| | | |
|---|---|---|
| Bentsen | Fowler | Moynihan |
| Biden | Glenn | Nickles |
| Bond | Graham | Pell |
| Bradley | Grassley | Robb |
| Brown | Harkin | Rockefeller |
| Bryan | Kerrey | Roth |
| Chafee | Kerry | Seymour |
| Coats | Kohl | Simon |
| Cohen | Lautenberg | Simpson |
| Cranston | Levin | Smith |
| D'Amato | Lieberman | Warner |
| Danforth | Lugar | Wirth |
| Dixon | McCain | Wofford |
| Dodd | Metzenbaum | |

ANSWERED "PRESENT"—1

Pryor

NOT VOTING—4

| | |
|---|---|
| Burdick | Helms |
| Gore | Mack |

So the motion to lay on the table the amendment (No. 2769) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

ORDER OF PROCEDURE

Mr. BUMPERS. Mr. President, on behalf of my distinguished colleague and ranking member, Senator COCHRAN, and myself, I will propound a unanimous-consent request, not a time agreement but a unanimous-consent agreement, to limit further amendments. So, therefore, I ask unanimous consent that the following amendments and only the following amendments be in order to this bill:

One, an amendment by Senator SIMON to reduce the Market Promotion Program $3.8 million in order to provide $1.9 million for the FDA Clinical Pharmacology Program; an amendment by Senator LEVIN to provide $1.5 million for research; an amendment by Senator BROWN to eliminate the Honey Program; an amendment by Senator BROWN regarding tobacco—I do not know the text of the amendment; an amendment by Senator BROWN regarding research grants; an amendment by Senator MCCAIN regarding unauthorized programs; an amendment by Senator MCCAIN regarding Social Security earnings test; and a second-degree amendment to the McCain amendment by Senator BENTSEN; an amendment by Senator SMITH regarding freeze levels; an amendment by Senator DOMENICI regarding the Food Stamp Thrifty Food Program; an amendment by Senator DOLE to add $400,000 to the Rural Development Grant Program; an amendment by Senator LEAHY to add $400,000 to the Rural Development Grant Program; and finally, an amendment by Senator GRAHAM, of Florida, regarding the reduction of the administrative expenses, unless this is the amendment he just offered; and an amendment by Senator HARKIN regarding travel expenses of the Department of Agriculture.

Mr. MCCAIN. Reserving the right to object—I will not object—I would like to correct the information concerning my earnings test amendment, that it would be in the form of a resolution, not an amendment.

Mr. BUMPERS. It is a sense-of-the-Senate resolution?

Mr. MCCAIN. Yes. I ask that that be made in order.

Mr. COCHRAN. Mr. President, reserving the right to object, I understand that there are two other amendments that may be offered by Senators on this side of the aisle, one amendment by the distinguished Senator from Utah [Mr. HATCH] relating to the Food and Drug Administration, and an amendment to be offered by Senator SIMPSON relating to an REA study. I am further advised that there may be other amendments that the Senators are planning to offer that have not been described to us for inclusion in this agreement.

Let me just suggest that the Senator withhold asking unanimous consent that these be the only amendments in order, but rather suggest to Senators that, if any other Senators do have amendments, please let us know forthwith because we would like to enter into an agreement here to limit the number of amendments that would be in order to the bill so we can complete action in a timely fashion.

I make that as a suggestion.

Mr. BUMPERS. Mr. President, I withdraw my unanimous-consent request. I request that staff on this side run a hot line suggesting that amendments that are not on the list I just mentioned—if anybody has not informed us of an amendment, that they let us know within 30 minutes. I suggest that they do likewise on the Republican side of the aisle. If that is not sufficient—I want to cooperate. I know how these bills go. These amendments will just keep coming in here if we do not get some finality with this. I hope within the next 30 minutes on both sides of the aisle we can run a hot line and propound this request again.

With that, I wonder if the Senator from Arizona would be willing to enter into a time agreement on his amendment.

Mr. MCCAIN. I will be more than happy to.

Mr. BUMPERS. Will the Senator make the suggestion?

Mr. MCCAIN. I will make a suggestion. I ask my colleague how much time he would need on this amendment. Seven minutes, equally divided, would be sufficient?

Mr. BUMPERS. An hour equally divided?

Mr. MCCAIN. Yes.

Mr. BUMPERS. I defer to my colleague from Texas, who will be on the other side of this amendment.

Mr. BENTSEN. I say to the distinguished manager of the bill, my friend from Arizona, that would be agreeable. I want an hour for the second-degree amendment, also.

Mr. BUMPERS. Mr. President, I ask unanimous consent that on the McCain amendment, the sense-of-the-Senate resolution regarding earnings limitations on Social Security recipients, there be 1 hour equally divided between the Senator from Arizona and the Senator from Texas and, at the conclusion of that time or at such time when both Senators yield the remainder of their time, the Senator from Texas be recognized to offer his second-degree amendment to that, on which there be one hour equally divided between Senator MCCAIN and his designees, and the Senator from Texas and his designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized, Mr. MCCAIN.

Mr. MCCAIN. Mr. President, before I propose my amendment, I want to make a statement concerning the bill before us, and then I will be proposing my amendment. It is my understanding that, under the unanimous-consent agreement, at that time the clock will start running on both sides. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. Mr. President, at this time I believe we should turn our attention to the rules of the Senate, and I especially point out rule XVI.

As I am sure my colleagues all know well, rule XVI governs the appropriations bills and amendments to general appropriations bills. Many of my colleagues have claimed that the rules of the Senate are sufficient to control the budget appropriations process. I believe the appropriations system is broken. The public also shares this belief, and I believe something must be done to correct it.

The solution I have advocated is to give the President the line-item veto. The line-item veto would allow the President to eliminate wasteful, unneeded expenses from the budget. Unfortunately, the Senate has not seen fit to pass this much-needed legislation.

Let me point out, as a passing note of interest, that yesterday's Los Angeles Times reports that Democratic Party nominee for President Bill Clinton stated, "I am a Democrat who believes in the line-item veto." I hope that Members of the Senate here on both sides of the aisle will be swayed by his very persuasive argument, particularly given his experience as a Governor of a State.

Nevertheless, during debate on this subject, some of my colleagues voted against the line item veto on the grounds that the rules of the Senate were sufficient to curb wasteful spending.

On February 22, 1992, my esteemed colleague and good friend, Senator HATFIELD, stated in reference to the line-item vote:

> I suggest that the advocates of this proposal take better advantage of the existing rules and procedures of the Senate to advance their cause. Senators can exercise their rights under the rules to take all the time they want to examine bills and reports, raise objections, offer amendments and round up votes.

More specifically, the distinguished chairman of the Appropriations Committee, an acknowledged master of the Senate rules, stated on May 5, 1992:

> Also, Madam President, paragraph 7 of Senate Rule XVI requires that committees' reports on general appropriations bills identify each committee amendment to the House bill which proposes an item, or appropriation which is not made to carry out the provisions of an existing law, and stipulates an act or resolution previously passed by the Senate during that session of the Appropriations Committee. Reports are required to comply with paragraph 7, Rule XVI. In so doing, committee reports on all 13 regular appropriations bills identify unauthorized appropriations. And the Members of the Senate are then able to determine for themselves whether to offer amendments to modify or subtract such unauthorized items for each appropriation bill.

The Senator went on to state:

> Now I can call these things to the attention of Senators because, apparently, Senators are not aware of them. Senators need only to be on this floor when the appropriations bills come before the Senate, and if those Senators will look at the committee reports and study the bill, those Senators will be able to offer amendments, if they wish to do so, to strike any item that is not previously authorized. That is a Senator's right. But a Senator should not sleep on his rights and then claim that these things are slipped by and that Senators did not have an opportunity to know what is in the bill, and that these items that are not authorized are passed.

I have, as always, listened closely to the Senator's remarks and have decided to take them to heart. Mr. President, I want my colleagues to be aware that I intend to see to it that rule XVI is vigorously enforced. In particular, I intend to see to it that paragraph 7 of rule XVI is enforced in an effort to eliminate wasteful spending. For my colleagues' information, rule XVI, paragraph 7 states:

> Every report on general appropriations bills filed by the Committee on Appropriations shall identify with particularity each recommended amendment which proposes an item of appropriation which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session.

In the Commerce, State, Justice appropriations bill, which the Senate just passed, there is over $10 billion of unauthorized spending. Some of the unauthorized spending is noted in title VI of Senate Report 101-331. I must challenge the claim that all unauthorized appropriations were both identified, and identified with particularity. According to the report, "Portions of the Office of Justice programs are unauthorized."

Well, what portion of the $669,729,000 recommended by the committee is unauthorized? Is the Justice Assistance Program unauthorized? Are funds for the Public Safety Officers' Benefits Programs unauthorized? What portions, Mr. President, of the Office of Justice Programs are indeed unauthorized?

Surely, the Appropriations Committee and its able staff could identify those portions with particularity. It seems evident to me that a rule XVI point of order would have brought this legislation down.

In February of this year, Mr. President, the chairman of the Budget Committee told this body that our budgetary process is not broken to the point that it needs a reform like the line-item veto. He stated:

> There was an old saying that was popular around here a few years ago that went something like this, and in the vernacular it was: "If it ain't broke, don't fix it."

And this budget process of ours is not broken to the point that needs this sort of Rube Goldberg jury-rig fix which, in my view, would make matters worse and give the people of this country less control over their own affairs than they have presently. The bill previously before us contained over $10 billion of unauthorized spending out of a total of $23.6 billion. As I stated earlier, some of the unauthorized spending is identified. Some of it is identified, but not with particularity and, finally, some of it is simply not identified.

The budgetary process, in my view, is broken to the point where a line-item veto is necessary. Mr. President, I did not come to the floor today to bring down any legislation; although I reserve my right to bring a point of order against future appropriations bills. I did come here to show that the process is broken, and that roughly 40 percent of the appropriations in the Commerce, State, Justice appropriations bill, was not authorized.

I hope, as the Senate considers other appropriations bills, that the Appropriations Committee will be more vigilant in complying with rule XVI. I also want to let the majority leader know, and the chairman of the appropriations, that I will seek to object to any waiving of rule 17.5. If I, as an individual Senator, am to be able to analyze the general appropriations bills, they must be available for 2 days, as required by the rules.

I am confident that the able leaders will understand my concerns on this subject and not seek to waive rule 17.5 in the future.

Mr. President, I want to say that I do not see in this present appropriations bill before us egregious violations of rule XVI. What I do see—and I want to point it out—is a $430,000 appropriation to research turkey osteomyelitis. The report states:

> This disease cripples turkeys, causing the birds great suffering and ultimately rendering their meat unfit for consumption. Losses to the disease cost the turkey industry more than $10 million annually. Yet, the causes and potential cures for this disease remain a mystery.

Mr. President, it is a mystery to me that an industry suffering $10 million in losses cannot afford to spend their own $430,000 to research turkey osteomyelitis.

All of us have great sympathy for not only the consumers of the turkeys, but the turkeys themselves. But, frankly, it is a turkey when we are spending $430,000 of the taxpayers' dollars to do something that industry should be doing.

Mr. President, there is also an additional $200,000 for locoweed research. I think locoweed is a serious problem for those in the Southwest. Clearly, industry, it seems to me, should be more ready to foot the bill as far as curing the locoweed problem, as opposed to the American taxpayer.

Finally, I note that there is $140,000 appropriated by the other body for swine research. Clearly, we are talking about pork. But in that case, I do not believe swine research is necessary.

AMENDMENT NO. 2770

(Purpose: To reaffirm the commitment of the Senate to repeal or substantially increase the Social Security earnings test, without raising taxes)

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 and Mr. SEYMOUR, proposes an amendment numbered 2770.

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 insert:

The Senate finds that on November 12, 1991, the Senate unanimously adopted an amendment to H.R. 2967, a bill to reauthorize the Older Americans Act of 1965, to repeal the social security earnings test;

The Senate finds that the social security earnings test is the last bastion of age discrimination;

The Senate finds that the seniors who need to work, or choose to work, must forfeit $1 in social security benefits for every $3 earned over $10,200;

The Senate finds that the social security earnings test translates into an effective tax burden of 33 percent, making those individuals who are confronted with the social security earnings test the highest taxed individuals in America;

The Senate finds that the social security earnings test is a major deterrent to those seniors who would like to stay in or return to the work force, and an unfair penalty to those seniors who must go back to work;

The Senate finds that many of our Nation's seniors are going back to work in order to pay for basic expenses such as health care, food, clothing, and shelter because they have no private pension or liquid investments;

The Senate finds that other seniors would choose to stay in the work force, or return to the work force, if they would not face the punitive social security earnings test;

The Senate finds that the social security earnings test costs the United States $15 billion a year in reduced production;

The Senate finds that eliminating the social security earnings test would save over $200 million a year in compliance costs for the Social Security Administration; and

The Senate finds that dynamic economic estimates indicate that eliminating the social security earnings test would net as much as $140 million in extra Federal tax revenue, therefore, taxes do not need to be increased to pay for elimination of the social security earnings test.

The Senate reaffirms its commitment to repeal the social security earnings test or substantially increase the Social Security earnings test, without raising taxes.

Mr. McCAIN. Mr. President, I am offering this amendment in the form of a sense-of-the-Senate resolution, to reaffirm the Senate's support for repeal or substantial increase of the Social Security earnings test, without raising taxes.

Not only am I seeking a reaffirmation of the Senate's commitment to correcting one of the grossest inequities in American society today, but I also am including in this resolution the fact that we do not need to raise taxes in order to accomplish this goal.

Mr. President, I have been through this issue many times, for many years. Last year, on November 12, I thought we had made significant progress, because on November 12 last year—during consideration of the Older Americans Act reauthorization bill—this body adopted, by unanimous vote, my amendment to repeal the Social Security earnings test.

Some in the other body suggested this action was a display of cowardice, but in point of fact it was a vote to eliminate discrimination against our Nation's seniors who must work in order to meet basic expenses.

Mr. President, it might be somewhat curious to the American citizens to know that this onerous tax of approximately one-third of their wages is only leveled on wage earners. If the objective of this tax, Mr. President, was to get at the rich in our society, I could make an argument to you that pensions, trust funds, and all the ways that the very wealthy in our society are able to make money, earnings from stocks, should be subject to this earnings test. But, no. The only people who are subject to this earnings test are the seniors between age 65 and 69 who either voluntarily, or all too often out of necessity, go out and take care of themselves and their families.

Mr. President, we all know the condition of many seniors in America today. Time after time, dramatic stories of senior citizens living on the edge of poverty are told to us in most graphic and disturbing terms. If that man or woman wants to go out and work and earn a wage because of skyrocketing health care costs, generally speaking, at least in my State, then unfortunately they see the most onerous 33 percent tax laid on every single dollar they earn past $10,200 a year. It is unconscionable. The American people agree, once explained to them—whether young or old. Seniors are outraged over an ancient clause that was put in when Social Security was conceived in order to free up jobs for younger workers which, frankly, I am not prepared to argue was either right or wrong at the time.

The reality of the conditions of seniors in our society today is that many of them want to work, and they are being deprived of that by this onerous and unconscionable tax which must be and I am convinced over time will be repealed. What's worse is those who have to work.

Mr. President, I think it is also important to point out that I have offered time after time after time to sit down with the chairman of the Finance Committee and with the chairman of the Ways and Means Committee. I have corresponded with the chairman of the Ways and Means Committee and suggested that maybe we could lift this earnings test to something reasonable, like $40,000 or $50,000 a year, which would then take in 90 to 95 percent of America's seniors who are suffering under this burden. So far, in all candor, we have received no response. We have heard of no willingness to negotiate. No staff member has asked what our position would be or what we would agree to. So I think it is important to know that before this body and before the other body there will at some time probably be legislation which lifts the earnings test significantly, but also raises taxes on working men and women in America to pay for it. And, Mr. President, this is not necessary.

Mr. President, you can use your judgment as to whether it is necessary to raise taxes on wage earners in order to compensate for the repeal of the Social Security earnings test on the Office of Management and Budget reports or the independent studies and common sense. The Office of Management and Budget, that same illustrious organization that gave us the 1990 budget summit agreement which gave us $166 billion in taxes and, of course, a burgeoning and overwhelming deficit, tells us that there will be a net loss to the Treasury.

The fact is that everyone knows that these seniors will go out and work and pay taxes. They will be paying taxes, Mr. President. They will be paying taxes on their earnings, and studies we have indicate clearly that this will mean a net increase in revenues into the Federal Government rather than a decrease.

Mr. President, as I say, the Older Americans Act upon which this repeal was placed last November has been stalled. It has not only been stalled, but the House did refuse to appoint conferees. And then in April, the House adopted a proposal to modify the Social Security earnings test, written by the chairman of the Ways and Means Committee, and we still have no final action on the earnings test and on the Older Americans Act reauthorization bill.

Some are arguing that issue is holding the Older Americans Act hostage. The opposite is true. This repeal is being held hostage by the failure of this body and the other body to address an issue which is of great importance to every senior citizen in America.

Mr. President, let me just tell you a small example. I was visited not too long ago by a representative from Disney World in Orlando. This representative and I talked about a number of issues. During the course of our conversation, however, he said, "By the way we find that our best employees are senior citizens and we would love to have more senior citizens work at our facility but, unfortunately, because of the earnings test tax on their Social Security they cannot."

I was visited another time by representatives of several of the fast food chains in America. They also told me that some of their best employees are senior citizens but that senior citizens are dramatically demotivated to work, because of the fact that they face this onerous test.

It is clear that this is an issue of fairness. We need the skill and experience of older Americans. The earnings test is outdated, unjust and clearly discriminatory. And the Senate spoke clearly on November 12 when it adopted my amendment to fully repeal the Social Security earnings test.

As I said, I would be glad to discuss a compromise with anyone who is interested in lifting this onerous penalty, but I clearly believe that we have done enough tax raising on the American people; 56 times in the last 30 years and we have the greatest deficit in history. We do not need to have a tax increase as part of the dramatic modification of the earnings test.

Mr. President, as is known, the Older Americans Act—stripped of the earnings test measure approved of on November 12, was reintroduced in this body and there was a letter from a very impressive list of senior citizen groups that accompanied the reintroduction of this bill. It is interesting that the letter that accompanied the introduction of this bill did not comment on the lifting of the earnings test. In fact, it was silent on that. What it did say was they wanted the Older Americans Act enacted as quickly as possible.

Mr. President, so do I. So do I. I want the Older Americans Act enacted as quickly as possible, too.

Mr. President, at this time, I ask unanimous consent to have printed in the RECORD a letter from the Coalition for Repeal of the Social Security Earnings Test.

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

COALITION FOR REPEAL OF THE SOCIAL SECURITY EARNINGS TEST,
*February 10, 1992.*

Hon. JOHN MCCAIN,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR MCCAIN: Congress should move quickly to convene the Conference on the Older Americans Act, including the provisions regarding the elimination of the Social Security Earnings Test which affects millions of older workers.

Although there may be differences between the House and the Senate on the precise action to take regarding the Earnings Test, there is widespread consensus on the need for reform. The best and most appropriate way to resolve these differences is to move to Conference as soon as possible.

The undersigned members of the Coalition for Repeal of the Social Security Earnings Test urge the House leadership to take whatever steps necessary to appoint its conferees and move forward. We understand that this may include a motion to instruct the Conferees to clarify the House position on this issue and that such motion may or may not endorse the Senate's position, which we support, of full repeal.

The Reauthorization of the Older Americans Act and the reform of the Social Security Earnings Test are both important to the welfare of our country's seniors. There is no reason to delay the resolution of either of these important issues.

Sincerely,

MARTHA A. MCSTERN,
*National Committee to Preserve Social Security and Medicare.*

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SUPPORTERS OF THE SOCIAL SECURITY EARNINGS TEST, FEBRUARY 10, 1992

The following coalition of senior organizations, businesses and business groups, representing tens of millions of seniors and employees across this country, support efforts to reform the Social Security Earnings Test as part of the Older Americans Act.

Air Force Association.
Air Force Sergeants Association.
American Health Care Association.
Association of United States Army.
Enlisted Association of the National Guard of the United States.
Fleet Reserve Association.
Jewish War Veterans of the U.S.A.
Marine Corps League.
Marine Corps Reserve Officers Association.
National Association for Uniformed Services.
National Association of Temporary Services.
National Committee to Preserve Social Security and Medicare.
National Council of Chain Restaurants.
National Military Family Association.
National Restaurant Association.
National Society of Public Accountants.
National Tooling & Machining Association.
Naval Enlisted Reserve Association.
Naval Reserve Association.
Navy League of the U.S.
Sears Roebuck and Company.
Seniors Coalition.
The Military Chaplains Association.
The Retired Enlisted Association.
The Retired Officers Association.
The Seniors Cooperative Action Network.
U.S. Chamber of Commerce.
U.S. Coast Guard CPO Association.
U.S. Coast Guard Enlisted Association.
Walgreens.

Mr. MCCAIN. Mr. President, I would briefly quote from it:

Although there may be differences between the House and the Senate on the precise action to take regarding the Earnings Test, there is widespread consensus on the need for reform. The best and most appropriate way to resolve these differences is to move to conference as soon as possible.

The undersigned members of the Coalition for Repeal of the Social Security Earnings Test urge the House leadership to take whatever steps necessary to appoint its conferees and move forward.

Mr. President, I have to say again that those who would believe the Office of Management and Budget that this will somehow increase the deficit are not familiar with the workplace in America. When people work, they pay taxes. And when they pay taxes, the deficit goes down. When there is an overwhelming disincentive for them to work, they do not pay taxes; in fact, the deficit goes up.

Mr. President, I believe that we can lift this earnings test limitation. We can do something which is in fairness, and something which would eliminate discrimination.

Mr. President, I intend, I tell my colleagues, to see this fight through until it is won. And I think that the overwhelming majority of seniors in America support this effort.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. LAUTENBERG). The Senator from Texas.

Mr. BENTSEN. Mr. President, I yield myself 10 minutes.

Mr. President, as Senators know, I strongly support—strongly support—the liberalization of the earnings test. My friend from Arizona has stated there has been no response to the entreaties of those requesting such. Oh, yes, we have responded. Last year I introduced S. 2038, and this year the Finance Committee reported out a bill with the same number. Both bills significantly ease the earnings test. But the big point is that we paid for every penny of the cost to Social Security. And that is the critical point. It is all too easy to take away the earnings test and to have no concern about the trust fund and the security of it. But that is not what the older citizens of this country deserve.

Under the committee bill that we have reported, the earnings test exempt amount would be increased from the current level of $10,200 to $21,000 in 1997 and to $51,000 by the year 2001. The committee pays for all of that cost to Social Security and, in fact, improves on the long-range balance of the trust funds by .06 percent of taxable payroll.

I would like to pass the Finance Committee bill this year to moderate and improve the earnings test. But let there be no doubt about it, I am totally opposed to any earnings test proposal that threatens the security of the Social Security trust fund. I have stated that over and over again on the floor of this body.

The sense-of-the-Senate resolution that is being proposed, if you actually translate it into law, I think would seriously threaten the financial integrity of the Social Security trust fund. Make no mistake about it, a proposal of this kind threatens the safety of that fund.

Mr. President, on April 7, 1992, the Senate adopted my Social Security trust fund protection amendment to the budget resolution by a vote of 94 to

3—by 94 to 3, in this body this year. And by that vote, we established a 60-vote point of order against any amendment to the budget resolution that would reduce the reserves of the Social Security trust fund, demanding responsibility on that.

I take the Senate's action as an overwhelming endorsement of a fundamental principle. If Senators wish to make changes that increase Social Security benefits, then we ought to have the political courage to pay for them.

Mr. President, the CBO estimates that elimination of the earnings test, as suggested by the resolution by the junior Senator from Arizona, would cost the trust funds $27.4 billion over the next 5 years. That is about what it cost to pay Social Security disability benefits for all of 1991, an entire year's benefits for some of our neediest citizens.

I heard the Senator from Arizona say that unless we eliminated the limits on the earnings test, we ought to take into consideration what people are earning off stocks, bonds, and other investments, not just take it from wages.

Well, if my friend from Arizona feels that so strongly, then I urge him to introduce legislation that will accomplish that. Frankly, I have not seen that done by any Senator.

Last year, the Social Security Administration estimated that the net cost of eliminating the earnings test—that is, the cost after deducting the additional payroll taxes and the revenues from the income tax on benefits that the proposal would produce—that that cost would be $45.9 billion over the period 1992 through the year 2000. This year, the SSA says that the net costs from 1993 to 2001 are $46.5 billion. That is the reduction in the trust funds to pay these Social Security benefits.

I know there are a lot of young people who say today, "Well, you know, I really never expect to get those Social Security funds when I reach retirement." If we pass a resolution such as this and enact it finally into law, then their fears will be justified, because you will see those trust funds run down.

Think what has happened in the last two decades. Recall what has happened. The Social Security trust fund was run right up to the brink of insolvency. In 1983, Social Security trust deficits, brought on by an unfavorable economic condition, had almost drawn down the trust funds, completely drawn down their reserves. And, almost at the last minute, the Congress acted to avert the catastrophe and save the Social Security system.

It is imperative that we do nothing to put Social Security again at risk or further weaken public confidence in it. But that is what we would be doing if we were to adopt the program changes advocated by this resolution, changes that would drain the trust funds of many billions of dollars and make no provisions for replacing them.

Our past experience with the Social Security trust funds should have taught us the importance of erring on the side of safety. There are terrible dangers if we do not. Most experts believe that a trust fund reserve of 150 percent—one that is sufficient to cover 18 months of benefit payments—is the minimum, safe margin that is needed, because you just cannot fully anticipate what is going to happen to the economy, how many people are going to be out of work, how much less is going to be paid into those Social Security trust funds.

The trust funds had only reached a level equal to 96 percent of 1 year's benefits at the beginning of 1992. They are currently not expected to reach the 18-month level before 1996 at the very earliest. Now that is if the economy and other factors affecting the funds perform reasonably well. And we know how often the economists have been wrong in projecting what is going to happen.

As Senators know, our history is replete with examples—some very recent ones—of the economy going into double dip recessions and seeing unemployment, instead of cutting down, as projected by the administration, seeing it climb to new heights, seeing it today at the highest level it has been in the last 9 years.

The 1992 trustees' report released on April 2 is a case in point. In it, we find that last year's conservative or pessimistic estimate of the status of the Social Security disability insurance trust fund has become this year's intermediate estimate of what is most likely to happen to the fund. The trustees now project that the disability fund will be exhausted not in 2015, as was projected last year under the intermediate assumptions, but in 1997, and could be exhausted as early as 3 years from now under the new, so-called pessimistic assumptions.

If this were not trouble enough, the trustees now estimate the combined Social Security trust funds will never—never—reach a safe 18-month reserve level under the conservative assumptions.

What is more, the Social Security trustees tell us the disability insurance trust fund will require more than $75 billion of additional revenues during the next 10 years just to achieve a reserve level equal to 100 percent of annual benefits. This is what the trustees say is the minimum required for the disability fund to pass their short-range test of financial adequacy.

So, Mr. President, is now the time to endanger the trust funds, to begin adding larger costs to the Social Security program, to be proposing to add very expensive earnings test legislation, without paying for a dime of those costs? I think not.

Mr. President, I know that this amendment asserts that if we simply eliminate the Social Security earnings test, large numbers of elderly retirees will be induced to go into the labor market and will succeed in finding jobs.

Then, so the story goes, the payroll tax and the income tax revenues that they generate will more than offset the cost of the additional Social Security benefit payments made as a result of eliminating that test.

The truth of the matter is that no one knows for sure what the economic effects of eliminating the earnings test will be. However, let us take the views of two objective organizations on that. Both the CBO and the Social Security Administration tell us that most research suggests that the effect on the labor supply and the increase in revenues caused by eliminating the earnings test would be minimal.

Economic analysis suggests that some retirees would begin or increase work effort, but there are others who would decrease their work because their additional Social Security payments benefits would be a substitute for earnings. And a retiree who, by taking a job, precludes someone else from working—and entirely possible outcome in this high unemployment economy—may be making no net additional contribution to Federal revenues.

So, as a result, CBO does not estimate any increase in revenues as a result of the elimination of the test. None. No increase. SSA estimates that the maximum offset caused by administrative savings and additional revenues, including all revenues resulting from a net increase in work effort, will not exceed 10 to 15 percent of the cost of the additional Social Security benefit payments caused by the elimination of the test.

Mr. President, I firmly believe that we have to rely on our principal economic and budgetary advisers on Social Security matters, the CBO and the SSA—rely on what they have to say about Social Security proposals and their effects on costs and revenues. Would that it were otherwise and that we could take off the earnings test without any consideration for the problems of the trust fund itself. But that is not the reality. That is not the case.

Relying on other types of economic advice about Social Security proposals can be misleading and even dangerous. For example, a study several years ago by two economists, entitled "Paying People Not to Work," claimed that eliminating the earnings test would cause at least 700,000 elderly workers to enter the labor force. The study held that this increase in elderly workers with earnings would cause the revenues from taxation of their earnings to more than pay for any increase in Social Security benefits.

The Office of Research and Statistics of the Social Security Administration

carefully examined these contentions. They found that the study had erroneously interpreted the data on which its findings were based. SSA published a paper "ORS Working Paper Series No. 41, January 1990" pointing out this error and demonstrating that the employment and revenue estimates in the study were without foundation.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 17 minutes, approximately, remaining.

Mr. BENTSEN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. May I inquire how much time I have?

The PRESIDING OFFICER. The Senator from Arizona has 19 minutes, 30 seconds.

Mr. McCAIN. I yield 7 minutes to the Senator from California and I ask unanimous consent to add Senator KASTEN and Senator D'AMATO as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California.

Mr. SEYMOUR. Mr. President, I applaud the Senator from Arizona for being so forthright in his presentation of this resolution. I join him proudly as a cosponsor of this sense-of-the-Senate resolution.

What this is about—it is about a lot of things—but what I think is at the heart of this issue is discrimination. Of all things, this is age discrimination.

Why is it fair? Why is there any equity in the fact that working seniors and working seniors alone should pay a 33.3-percent tax surcharge? That is discriminatory. There should not be discrimination just because you reach the age of 65 and no other considerations. You could be going hungry and be charged with a surtax of 33.3 percent merely because you are 65 years old.

Mr. President, reading in the April 1992 News Magazine For Senior Americans, I would just like to read two paragraphs out of it.

> Currently, working seniors, 65 to 69, lose $1 of Social Security benefits for every $3 earned over the limit.

That is a 33.3-percent tax surcharge. The article goes on:

> Although the limit has been increased over the years—to now $10,200 in 1992—proponents of repeal contend it is antiquated and keeps seniors, a valuable resource for employers in the economy, from remaining in the work force. When regular taxes are added to the earnings penalty—

That I call a tax surcharge—

> working seniors face a marginal tax rate of nearly 70 percent. That is more than twice the rate that millionaires pay.

If that is not discrimination, I have never seen it. This is discriminatory and it must be changed. I have only been here about 19 months. The one thing I have learned very clearly is Government is great, they are fantastic, at creating disincentives. And this clearly is a disincentive to work. We are great at it. We have a welfare program that says do not work; do not work or you will lose your welfare.

In California, my State, Mr. President, a woman with two children is told by our failed welfare program do not work because it will take you over $14,000 if you work for us not to take your welfare benefits away. Why should she not be able to work, maybe make $7,000 a year? Why, before she breaks even, does she have to make $14,000? We need an incentive program.

We have heard a lot of talk in these hallowed Chambers over the last 18 months about economic growth. Once again, Government is great at disincentives. Government says do not invest. If you invest we are going to tax you at this very high capital gains tax rate. So do not invest. The incentive is—it is a disincentive to invest.

We say to Americans: Do not save; do not put that money in an IRA account. If you put that money in an IRA account, if you dare take it for your child's education, for helping a first-time home buyer into the American dream, purchasing a home, or to pay for catastrophic health care costs—if you do that we are going to tax you. So do not do it.

I commend the Senator from Texas for taking the lead on this particular disincentive, in his super IRA legislation. In fact I was with him here on the floor when he introduced it and I was very pleased to hear him say he would make the argument on the super IRA legislation that would permit, without penalty, a withdrawal from IRA accounts to pay for catastrophic health care costs, to pay for college education, to pay for or help a first-time home buyer realize the American dream. He said he would argue before the Senate Finance Committee that this would not cost the taxpayers money, and I applaud him. He is right on that point.

Again, we are great at disincentives. When we go to a research and development tax credit, we say to America do not come up with new, novel ideas by investing into research and development; do not come up with the highest technology you might. The way we say that in the disincentive form is we say, year by year, we will extend it for 1 year. We will give you a research and development tax credit but we are not sure about the next year. Disincentives—we are great at them.

I think we have to put ourselves in the shoes of a senior citizen. My mom and dad are both senior citizens; both of them very, very productive people in their years. I can recall shortly after my dad retired I wanted him to come into my business and help me. I was a businessman for 17 years. Maybe I look at this thing a little bit differently as a result of that experience.

Dad said to me, "Well, if I do and I make above $x$ dollars, I am going to lose my Social Security."

I said, "But, dad, you have so much to offer. You have all those years of experience in marketing. And my people—and I had about 150 employees—"need to be trained. They need to hear what you have in your mind. You are the best."

Well, he wanted to do that, but mom suggested to him that if things got tight—she was afraid that in losing their Social Security they might not be able to make it. So dad did not do that. Rather, dad—being almost a workaholic, a type A personality, dad did not do well in retirement and shortly afterwards dad had a severe heart attack.

The doctor said it was a matter of the clogging of the arteries. I suspect medically that is correct. But I tell you, psychologically, Mr. President, what was at work was he was not making the contribution he was totally capable of making. It was just taken away from him. Why? Because he reached the magic age of 65.

How much is there to offer those seniors out there in America, whether it is in the classroom, whether it is working for Disneyland, as the Senator from Arizona pointed out? At the twilight of their careers, and many of them have many productive years thereafter—65—I recall the story of Kentucky Fried Chicken. As I recall, the entrepreneur who created Kentucky Fried Chicken started that when he was over the age of 60. Thank goodness for him. God bless him.

But so many seniors have so much to offer, and just at their peak, they say: Oops; you passed the magic number at 65. No longer; we are going to penalize you. You will pay a marginal tax rate of 70 percent. Forget whether or not you use the money to pay some health care costs. Forget the point that you might need these funds to make up for what Social Security is not paying you. You are going to pay the same tax rate as millionaires pay.

So the incentive is to not work.

Let me say, Mr. President, that the argument has been made by the senior Senator from Texas that Social Security will go broke if we do this one. I understand the argument, and he certainly presented some very convincing evidence. But there is also as much evidence on the other side of this question.

I am of a mind—and I guess, again, it is my 17 years of experience in business; owning my own business and running it—I am of a mind when people work and people produce, they pay taxes; they spend money. When they have a little more money in their pockets instead of living from month to month and Social Security check to Social Security check, if they have a few more bucks in their pocket, they

will go out and spend it. In fact, if my mom and dad had that opportunity, they would go out and spend it on their grandkids. I would be happy to see that, since Judy and I have six.

So I am not convinced the numbers we have heard, the doom and gloom we heard preached, is altogether accurate. I saw the CBO report which says it would cost $5 billion over the next 5 years. But what is not said, Mr. President, is that is based on a static model. That is saying things will continue as they are today. I hope they do not continue as they are today, Mr. President.

The PRESIDING OFFICER. The Senator has used the time allotted to him.

Mr. McCAIN. Mr. President, I yield 3 more minutes to the Senator from California.

The PRESIDING OFFICER. The Senator may continue.

Mr. SEYMOUR. I thank Senator McCAIN for the additional time.

I hope, Mr. President, the people go back again. Because when they go to work, they pay taxes, and when they pay taxes, then they do not need the Government programs to help them along. This clearly is an inequity that cries out for correction.

In fact, the CBO, which projects on a static model that would cost $5 billion, even the CBO says that on a dynamic model, this would pay for itself in 15 years.

Let me go back to the article I quoted from before, and let me tell you about another study. I lift these two paragraphs:

> Opponents of repeal contend correcting the problem jeopardizes the solvency of the Social Security trust funds. However, a recent study shows just the opposite. Eliminating the retirement test would certainly generate more in Federal revenues than it would cost in increased benefits, the National Center for Policy Analysis concluded.
>
> And repeal would save the $50 million to $100 million per year it costs the Social Security Administration to administer the penalty * * *.

That now exists.

Finally, let me say, relative to cost, Senator McCAIN has taken care of that. All we need do is read the final paragraph of his sense-of-the-Senate resolution. He says:

> The Senate reaffirms its commitment to repeal the Social Security earnings test, or substantially increase the Social Security earnings test, without raising taxes.

And, therefore, if we are going to have to raise taxes—we are not going to have to do this, Mr. President.

I say we can do it without raising taxes.

The PRESIDING OFFICER. The Senator has used the additional 3 minutes allocated to him.

Mr. SEYMOUR. Mr. President, I urge an "aye" vote.

Mr. MOYNIHAN addressed the Chair.

Mr. BENTSEN. Mr. President, I yield 10 minutes to the distinguished Senator from New York.

I do not think there is anyone in this body who has a greater knowledge of the Social Security system, who has been more involved in it in the last 20 years in trying to protect that system to see that those funds are there for the retirees, who has done more than try to bring equity into the administration of it, and who has done more to try to see that those retirees understand what their benefits are and are given information with clarity and promise so they can understand what the future holds for them.

I yield 10 minutes to that distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I first thank the chairman of the Finance Committee. I have the honor to be chairman of the Subcommittee on Social Security. I have had his complete support, and he has had mine in these matters. And I rise to say to the Senate: This is a bad proposal which will bring discredit on this body.

Let me be clear about the specifics. Mr. President, there are 1.8 million persons age 65 to 69 who are receiving Social Security retirement benefits and are working. Of these, only 800,000 earn enough to be affected by the $1 in $3 reduction. Of those 800,000, only 200,000 earn enough to lose the whole or the maximum benefit.

Mr. President, this is a proposal to give the better part of $27.4 billion to a little more than 200,000 persons. I have seen some giveaways come to this floor in 16 years, but none as blatant and as irresponsible as this. I would say, Mr. President, that anyone who wants to give $27.4 billion to 800,000-maximum people—it will roll over a little bit—and has within the last 2 months voted for a constitutional amendment to balance the budget, that person had better beware the editorials at home.

I observe there are four good friends and respected Members of this body who are sponsoring this $27 billion for 200,000 or more persons. You can reach out and remember the debate in which the issue was: Would you move to cloture and reduce Federal outlays, so that all Social Security benefits would be reduced? They want to reduce them for everybody and raise them for a very few, a very wealthy few. This invites derision, a word that should be used carefully in this body.

The Senator from Arizona spoke of the original purpose of the Social Security Act. Perhaps we can go back to that. In 1935, as Frances Perkins brought it to the Congress, as Senator Robert F. Wagner introduced it in the Senate, it was to be an insured system to provide for the replacement of lost revenue.

There were two principal features. One was unemployment insurance, which is unemployment insurance. If you look at your paycheck, it says FICA, Federal Insurance Contribution Act. The benefit under retirees was meant to be provided when other income from employment ceased. It was a contributory system, and it was provided from the beginning that if you continued to work a few years later, you would get less of a replacement.

But, Mr. President, every penny lost during that 5-year interval is returned in larger benefits after age 70, whether you work or not. It is a fair system. It impacts a very limited number; on the most part, professional persons who continue to practice law, medicine, or whatever in their later years.

I have to say, I heard a citation from my good friend from California about the impact of this. I say to you, Mr. President, there is not a shred of evidence that there is any work disincentive. This system has been in place for 55 years. There is a regular research journal published from the Social Security Administration that has examined this question upward and down and backward.

They have had 56 years—well, in terms of reaching this; yes, 56 years—to look at this. They have found no evidence.

One of the problems, in the last 15 years—well, the last 12 years—in our finances, the one thing we can point to is the Social Security trust funds.

The one thing we can point to is the Social Security trust funds. They are, as the Senator from Texas said—we went very close to scraping bottom in 1983 with the combination of a sharp recession and a period of inflation. When, for the first time in our history, prices had run ahead of wages, the trust funds went down.

BOB DOLE came on this floor and said, on the day the Congress came back into session in 1983, "We can do this. We can work this out. Let us do it." He and I met a day later in his offices, and in 3 weeks' time, the legislation was on this floor.

It is in place. Trust funds rise at $1.5 billion a week. Combined—taking the alternative 2B as we say, the moderately conservative estimate—by the year 2001, the OASI and DI, disability benefits will be at 200 percent of annual outlays, a surplus.

But if we cannot maintain a surplus, well, then, maybe we do need a constitutional amendment, if we cannot say, yes, we are in balance and we are in surplus and that is a good thing, and we will keep it that way; we will not find a very small number of persons, professional persons, donors, letter writers, important and respected persons, we will not find $27 billion to give to them because we happen to have it at hand. That is a trust fund and we respect it as such.

Mr. President, this is a test of character for this body. Anybody who comes to this floor having voted for a constitutional amendment to balance

the budget and simultaneously votes to give $27 billion to 800,000 people has something to explain. I do not know that it is easily understood. I can imagine the questions being asked. This is not something we need to do. These are not persons in need. By definition, they are persons with adequate or more than adequate incomes. Characteristically, they will have very high levels of income.

Why do we pay Social Security benefits to such persons? We pay it because it is a contributory retirement benefit program. You get it because you paid for it, not because you need it or deserve it or want it. And we are seeing that principle erode. This Presidential year has been a disaster for Franklin D. Roosevelt's idea of a system in which you paid in contributions, had an account, numbered account, named account, and back came, according to an agreed-upon statutory formula, a return in a balanced system.

I read in this week's Time magazine an essay by a very able commentator, Michael Kramer, who says:

> Cowardice continues to dominate discussions about cutting Social Security and Medicare. Everyone knows the deficit will remain unmanageable until these programs are tripped.

What is at issue in this vote is the principle of an earned benefit following a lifetime of contributions. Also, what is at stake is our capacity as a body not to give away money just because we have it. And, three, the genuine commitment of persons who voted for a balanced budget amendment and who might come to the floor 4 weeks later and propose to give $27 billion to 800,000 persons.

I thank my very distinguished chairman and friend allowing me this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from Arizona has 7 minutes, 45 seconds.

Mr. McCAIN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I was, if I heard the Senator from New York correctly, astounded. He said this is not for persons in need. Not for persons in need. I received a letter not long ago—I receive many of them—that stated:

> Senator, I'm under a heavy financial load trying to maintain a house I got through divorce. I get no help. I am alone. All of my major appliances, over 20 years old, have been going out on me one by one. For the first time in my life I made $6,000 a year, and I am barely over the minimum wage. I will be 69 this year. My Social Security check is so small I can't retire, plus they are holding back my money.

Mr. President, I invite the Senator from New York to come with me to Sun City, AZ, where there is a couple and one spouse is suffering from Alzheimer's. They are having to spend down their assets, and the remaining spouse is having to go to work. That story is repeated all over America, I say to the Senator from New York.

Yes, this vote is a test of character. This is a test of character as to whether or not we want to discriminate against seniors in this country. That is the test of character on which this vote is all about.

I remind my colleagues that we are reaffirming—I repeat, reaffirming—a vote already taken by the Senate. It was a unanimous vote on my amendment on November 12 that would repeal the Social Security earnings test. This is not a new amendment.

I find it of interest that the Ways and Means Committee proposal also lift the Social Security earnings test without an accompanying increase in taxes.

Mr. President, without trying to get personal, I have to quote from another letter I received. This person wrote me and she says:

> House Democratic leaders argue that an earnings limit repeal is too costly and would primarily benefit the wealthy. Come on now, who are they kidding? The wealthy already benefit from the present Social Security plan in gross discrimination against those of us who must continue working. The wealthy can receive all the money they want up to hundreds of thousands of dollars from stock, bond, and coupon clipping, but because they are not "working" they do not receive a cut in their Social Security receipts.

No, I say to my colleague from Texas, I am not interested in adding taxes on those people, and I am sorry if he understood that I did. I want a level playing field. I want none of them to be subject to this onerous tax. But I suggest to the chairman of the Finance Committee there are Members in this body who have trust funds of millions of dollars from which they receive and will continue to receive lots of money, and they are not subject to any earnings test.

The fact is that the American people are different, the people who find themselves in a situation where they have to go out and work in their declining years, or even choose to, are subject to an onerous test.

Mr. President, I guess this gets down to the basic philosophy of whether you believe that raising taxes increases revenues or whether you believe that lowering taxes increases revenues.

Mr. President, I think history is on my side. Fifty-seven times in the last 30 years we have raised taxes on the American people and the deficit is $4 trillion. So let us keep this tax in and cause more and more people not to work.

Now, there are several studies, one of which I will quote from a study by the Institute for Policy Innovation and the National Center for Policy Analysis. It states unequivocally that we would, indeed, see an increase of some $140 million in Federal revenues. The deficit would go down, not up.

I think it is of the utmost importance to point out, Mr. President, that the Social Security Administration today reports that they spend more than $200 million a year and use 8 percent of its employees to police the income levels of beneficiaries.

In other words, the Social Security Administration estimates that 60 percent of all overpayments and 45 percent of underpayments are attributable to the earnings limit. So we could eliminate $200 million in cost if we eliminated the earnings test requirement. That would be income into the Federal budget.

Mr. President, I say again. This is a matter of philosophy. If you agree with raising taxes, are you for increased revenues or keeping existing taxes, and in this case an incredibly discriminatory one in place, or do you believe lowering taxes will stimulate people to enter the work force and thereby reduce the deficit?

Mr. President, I ask unanimous consent to add Senator REID as a cosponsor of this amendment.

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

Mr. McCAIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BENTSEN. Mr. President, in propounding a request to the manager of the appropriations bill, I ask unanimous consent that the time not be charged to either side on the allocation of the time on the amendment of the Senator from Arizona.

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

ORDER OF PROCEDURE

Mr. BENTSEN. Mr. President, I ask unanimous consent that the only amendments remaining in order to H.R. 5487, the Agriculture appropriations, be the following list of amendments which I shall shortly read into the record; that they be subject to relevant second-degree amendments; where a time limit is provided on the first-degree amendment, then the second-degree be accorded the same time limitation; with all time controlled in the usual form; that no motion to recommit be in order; further, that on disposition of the listed amendments, the Senate, without any intervening action or debate, proceed to a third reading and final passage of the bill.

The amendments are as follows: Harkin amendment, travel expenses for the USDA; Simon amendment to reduce Marketing Promotion Program $3.8 million to provide $1.9 million FDA, the Clinical Pharmacology Program; the Brown amendment which is research programs; Brown amendment eliminating the Honey Program; Brown amendment regarding tobacco; Brown amendment on an information ex-

change to CBO and the OMB; the McCain amendment on unauthorized programs; the Bumpers second-degree to the McCain amendment on unauthorized programs; the Smith amendment to freeze levels; the Domenici amendment for food stamp Thrifty Food Program; the Dole amendment of $400,000 for rural development grants; the Leahy amendment for $400,000 for rural development grants; the Gramm amendment reducing administrative expenses; the Boren amendment, rural development grants; the Simpson amendment, REA study; and the Brown amendment, Marketing Promotion Program.

I yield to the manager of the piece of legislation from the other side of the aisle.

Mr. COCHRAN. Mr. President, reserving the right to object, I reserve the right to object to advise that I have been given information now that Senator BROWN does not intend to offer an amendment regarding tobacco; that can be stricken from the unanimous-consent request; and that the Senator from New Mexico [Mr. DOMENICI] would like to have included in the request a reservation of time for him to make a statement regarding Colonias. He will not offer an amendment on that subject, but would like to be recognized to make a statement on that subject.

With those two amendments, and if the distinguished Senator could include those amendments in the request, we would urge the Chair to approve the request.

Mr. BENTSEN. I have no objection.

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

Mr. BENTSEN. 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. BENTSEN. 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. BENTSEN. Mr. President, I ask further that Senator BUMPERS, the manager for the majority of the piece of legislation, reserves a second-degree amendment to the McCain amendment.

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

Mr. COCHRAN. I reserve the right to object, just for the purpose of inquiring which McCain amendment we are discussing. Is that the McCain amendment that is pending or the McCain amendment on unauthorized programs?

Mr. BENTSEN. On unauthorized programs.

Mr. COCHRAN. It had been my understanding that the Senator would not offer an amendment on unauthorized programs, and that had been stricken. It had been stricken on the list that had been given to this side.

Mr. BENTSEN. Apparently that has been taken care of.

The PRESIDING OFFICER. Is there objection to the request? Hearing none, it is so ordered.

Mr. BENTSEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Texas has 5 minutes. The Senator from Arizona has 2 minutes, 40 seconds.

Mr. BENTSEN. Mr. President, if there is anything that an elderly person wants, it is security; it is safety; it is something that you can count on. And I think one of the very top priorities is that Social Security benefit from the Social Security trust fund.

Mr. President, if we were to adopt the very costly proposal that is advocated by this resolution without offsetting the cost to the trust fund, we would be issuing an open invitation to conduct further raids on the Social Security trust funds.

The last time I counted there were 190 Social Security legislative proposals submitted in this Congress; there are probably 200 by now. It appears that nearly everyone has a favorite Social Security proposal that they want adopted. If we adopt this provision, we would be saying that we can just tap the trust fund and not pay for it, never worry about the solvency of the fund, not worry about what the economy is going to be, everybody is going back to work, we will have full employment, wages are going up.

If that is the attitude, then why not adopt all of these Social Security proposals this year? After all, the argument is we will not have to raise taxes and cut spending to pay for them. That is the Pandora's box that we are opening if we start down this road by passing this kind of a resolution or any other proposal to increase Social Security costs without paying for them.

Mr. President, I think the responsible course is to see that, whatever we do in moderating the earnings test, we do it by paying for it. That is the proposal that has been passed through the Finance Committee, and I hope to be able to bring it to the floor of this Senate and get it passed.

Mr. President, I reserve the remainder of my time.

Mr. McCAIN. Mr. President, I ask unanimous consent to add Senator PRESSLER as a cosponsor.

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

Mr. McCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. Two minutes, thirty-five seconds.

Mr. McCAIN. Mr. President, I will not bother to respond to the statement that says that this would open the door to raids on the Social Security trust fund. I think all of us who have been in public life recognize how sacred the Social Security trust fund is. So I will not bother to respond to that.

Let me just point out again. In 1992, elderly workers will be allowed to earn as much as $10,200 without loss of Social Security benefits. If this earning limit were doubled, tripled, or even quadrupled, the Federal Government would receive considerably more in new work-related tax revenues than it would lose in increased Social Security benefit payments. If the earnings limit were increased to $39,000, the Federal deficit would be reduced by $3.2 billion.

Mr. President, more importantly, there is an issue of fairness.

It is an issue as to whether we in this body will remove a most discriminatory aspect of an ancient law that no longer applies in this day and age when our seniors are facing devastation in a wide variety of ways.

America's seniors, in this Senator's view, should be able to go out in the workplace, which they are most qualified to, in the view of many, and earn a salary and not be subjected to one of the most onerous taxes.

I yield the remainder of my time.

AMENDMENT NO. 2771 TO AMENDMENT NO. 2770

Mr. BENTSEN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. BENTSEN] proposes an amendment numbered 2771 to amendment No. 2770.

Mr. BENTSEN. 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 all after the word "insert" and insert the following:

(a) FINDINGS.—The Senate finds that:

(1) Many older Americans remain in the work force after they reach age 65, or would like to do so;

(2) Under current law, the benefits of Social Security recipients are reduced by $1 for every $3 earned in excess of $10,200;

(3) This provision of current law penalizes these recipients and reduces their incentive to work;

(4) This penalty and disincentive should be eased as quickly as possible;

(5) The Senate approved, by a vote of 94–3 on April 7th of this year, an amendment to the Budget Resolution, whose purpose was to limit the levels of Social Security outlays and revenues assumed in the Resolution to current services levels; and

(6) Such limitation would ensure that, any new legislation will not reduce the levels of Social Security reserves, thereby endangering the payment of Social Security benefits to elderly and disabled beneficiaries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Social Security earnings test be eased in a manner which does not reduce the levels of Social Security Trust Fund Reserves.

(Ms. MIKULSKI assumed the chair.)

Mr. BENTSEN. Madam President, the amendment is simple. What we are talking about is the sanctity of the Social Security trust fund reserves. I

know the Senator shares that concern. But I want it emphasized. I want it absolutely certain that when we do anything in this Senate on Social Security, we preserve the sanctity of those trust funds; that those retired folks are not going to see those savings turned to dust; that we are trying to anticipate all of the economic cycles and don't assume that we will always have the most optimistic of results, with full employment and good wages; that we make certainty No. 1, and provide for just the kinds of cases that we have been hearing about today. Certainty.

We have tried in the Finance Committee to bring those objectives together, show moderation. We improve the earnings test, doubling the exempt amount from current level of $10,200 to $21,000 in 1997, and increasing it to $51,000 by the year 2001. But we pay for every dollar of it. Besides that, we modestly improve the trust fund balance by six-hundredths of 1 percent of the tax.

I want to pass that this year. I know the Senator from Arizona would like to see it passed.

Let nobody doubt that I am totally opposed to any earnings test proposal that threatens the financial integrity of that Social Security trust fund. That is my concern for the Senator's proposal. Do it in a responsible way. Honor the budget agreement by paying for any Social Security entitlement that we agree to.

Without this second-degree amendment, I am deeply concerned about the proposal. I believe that it completely fails those kinds of tests. And if we pass that resolution without this amendment, I think we are putting the Social Security program at greater risk, and that would be a tragedy—at risk not only because of this proposals as it affects the trust funds, but also because our action would be an invitation to see who can top you, who can do more, without paying for any of the cost.

So voting for the amendment, the underlying resolution, without having this second-degree amendment, would be sending a message that the Senate is ready and willing, for the sake of political expediency, for the sake of doing something that is popular, to reckelessly endanger the Social Security trust funds and the future benefits of millions of Americans.

We have had the excesses of the 1980's, and we are paying for them. We are in a financial straitjacket in this country today, with our options severely limited. Let us not put the Social Security trust fund into that kind of straitjacket. If we do, and we get a modest downturn in the economy, then we are in real trouble.

My good friend, the Senator from New York, and I were discussing that fact back in 1983—that is where we were then—and Congress had to come to the rescue.

I reserve the remainder of my time.

Madam 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. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The PRESIDING OFFICER. The Senator is advised that he has about 29 minutes and-some-odd-seconds.

Mr. McCAIN. Madam President, I understand the intent of this second-degree amendment. Since I have just had a chance to look at it, it is a little hard for me at the moment to digest it, but I did pay close attention, as always, to the comments of the chairman of the Finance Committee.

I would like to say that the chairman states that if we pass the underlying amendment without the modifications he is proposing, it would signal that the Senate is ready and willing to endanger the trust fund. I remind the chairman of the Finance Committee that last November 12, this body already did, by unanimous vote, vote to lift the earnings test. I don't believe that action would threaten the trust funds. What we did do, though, was send a signal to the American people, the seniors in America, that we are willing to remove one of the most discriminatory aspects that affects them in their old age.

Second of all, I understand and agree with the intent of the amendment to the amendment, because no one wants to—and frankly no one can—jeopardize the Social Security trust fund. The Senator from Texas knows, as well as I do, that in politics, Social Security is called the third rail—touch it, and you die. Everyone knows that. The result of the 1986 election was that that issue was used in the extreme by certain candidates for public office, and we all know that. We are very clear on that.

Madam President, the American people have sent another message as well, which is that they are sick and tired of having their taxes increased.

And, in this case, they do not have to have their taxes increased. As I mentioned earlier, 57 times in the last 30 years the American people have had their taxes raised each time with a promise for a better life, each time with a promise of a deficit reduction, the latest of which, of course, was called by many the obscene 1990 budget summit agreement which was purported to lower the deficit, and in exchange for that, we were going to see a dramatic increase in taxes.

We saw the taxes go up, but we saw the deficit go up, too. And it is clear to anyone who has been amongst the seniors in this country that if this onerous tax were removed, tens of thousands, if not hundreds of thousands—some estimate as many as 700,000—seniors would go out—and there are jobs for them. Pick up any major newspaper in America and look at the want ads if you do not think that is the case. They would go out and they would earn money and they would pay additional taxes.

So I agree with the premise of this amendment that we would not do anything to jeopardize the sanctity of the Social Security trust funds, but I do not agree with the implication of this amendment that somehow, therefore, we have to raise taxes if we repeal the Social Security earnings test. And, by the way, I might add neither does the Ways and Means Committee in the other body.

So I would like to say to the distinguished chairman of the Finance Committee, if he brings to the floor a measure with any relaxation of the earnings test, and that relaxation entails an increase in taxes on the working men and women in America, unnecessarily, totally unnecessarily, then, of course, I would do everything in my power to see that we do not lay any additional burden on the working men and women of America.

I might add that I was also a Member of the House of Representatives in 1983, and I also took part in the effort to restore the solvency of Social Security. I remember it with great clarity, and I also remember that it was a bipartisan effort. I would like to see for a change perhaps a bipartisan effort exerted to remove the onerous tax on seniors of America.

Madam President, I would just like to repeat again: I do not believe that an increase in taxes will do anything to help. In fact, it will hurt the sanctity of the Social Security system because when we raise taxes on the American people, they become less economically viable, and the economy suffers more and more.

I am convinced that there are two reasons that the economy in this country is staggering today: One is the burden of taxation; and two is the amount of regulation that businessmen and women in this country have to suffer under in order to try to make a living.

I am not going to sit by and watch another increase in taxes on the men and women of this country because I know it is not necessary, and I think it will be devastating to an already overburdened and overtaxed working population.

I hope that we can work through this issue as the chairman of the Finance Committee stated. I hope we can get it done before the session is over, particularly in light of the fact that the Older Americans Act—and I note the presence of the Senator from Washington on the floor who has labored so hard and so heroically on behalf of the Older Americans Act—deserves to be passed. But, we cannot abandon this issue.

I suggest to you that if we go back, as we did on November 12 of last year, and take the bill, as amended, by unanimous vote of the Senate, which was lifting of the earnings test, then we could get this issue done and resolved rather quickly.

Madam President, I will accept the amendment to the amendment of the Senator from Texas.

Mr. BENTSEN. Madam 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. BENTSEN. Madam 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. BENTSEN. 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. BENTSEN. Madam President, I suggest to my friend, the Senator from Arizona, that I am quite willing to vitiate the yeas and nays on the second-degree amendment if he is on the first.

Mr. McCAIN. Madam President, I ask unanimous consent to vitiate the yeas and nays on my amendment.

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

The question is on agreeing to the second-degree amendment.

The amendment (No. 2771) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 2770), as amended, was agreed to.

Mr. BENTSEN. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BENTSEN. Madam 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. BUMPERS. 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. BUMPERS. Madam President, we have been sitting here for approximately 25 minutes with no amendments offered. I just would like to say to my colleagues who are sitting in their offices watching this on television that the unanimous-consent agreement does not preclude going to third reading. All it says is that these are the only amendments that can be considered. Sitting here 25 minutes waiting for somebody to give very generously of their time to come over here and offer an amendment is not conducive to an effective and efficient running of the Senate.

So, Madam President, I want to serve notice on all of the people who have amendments and who are in this unanimous-consent agreement that I will shortly move to third reading unless we have some action very shortly.

Madam President, I suggest the absence of a quorum.

The PRESIDENT OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Madam President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

AMENDMENT NO. 2772

(Purpose: To conform appropriations language to the report language)

Mr. BUMPERS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for Mr. LEAHY, proposes an amendment numbered 2772.

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

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

The amendment is as follows:

On page 57, line 6, before the "." insert the following: ": *Provided further*, That $400,000 of the amount made available under this heading in fiscal year 1992 shall be made available to the Vermont State Colleges in fiscal year 1992: *Provided further*, That $400,000 of the amount made available by this paragraph shall be made available to the Vermont State Colleges to construct, maintain and operate additional educational and learning centers and to provide educational programming in fiscal year 1993".

Mr. BUMPERS. Madam President, this is an amendment I am offering on behalf of Senator LEAHY. It has been cleared on both sides of the aisle. I ask for its approval.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. The amendment has been reviewed and we have no objection to it. We urge it be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2772) was agreed to.

Mr. BUMPERS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2773

(Purpose: Disaster assistance)

Mr. COCHRAN. Madam President, I send an amendment to the desk on behalf of the Senator from Kansas [Mr. DOLE], and ask that it be immediately considered.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. DOLE, proposes an amendment numbered 2773.

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

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

The amendment is as follows:

On page 57, line 6, insert before the ".": ": *Provided further*, That $400,000 shall be available to the North Central Kansas Electric Cooperative, Inc., Belleville, Kansas, to repair wind and storm damage from an inland hurricane".

Mr. COCHRAN. Madam President, I think this amendment has been cleared on both sides and I ask it be adopted.

Mr. BUMPERS. Madam President, we have no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2773) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2774

(Purpose: To require the Secretary of Agriculture to submit a report to Congress that proposes program participant criteria for electric and telephone borrowers)

Mr. COCHRAN. Madam President, on behalf of the Senator from Wyoming [Mr. SIMPSON] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. SIMPSON, proposes an amendment numbered 2774.

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

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

The amendment is as follows:

On page 61, line 9, after "1982:"; insert the following: "*Provided further*, That, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that proposes program participants criteria for electric and telephone borrowers under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.):".

Mr. SIMPSON. Mr. President, I rise today to offer an amendment which would require the Secretary of Agriculture to submit a proposal to Congress for program participation cri-

teria in the Rural Electrification Administration's electric and telephone loan programs.

The current lending system the REA employs is complex, almost byzantine. The Rural Electrification Act of 1937 was created as part of President Franklin Roosevelt's New Deal in order to supply electricity to rural communities throughout our country. Later the program expanded to extend loans to rural cooperatives wishing to provide phone service to rural America. Without question, the program has been an unqualified success and its original goals have been met.

But for the past 20 years, Congress has cooperated with the special interest groups that represent telephone and electric cooperatives by amending the 1937 law to include provisions that protect every cooperative—no matter how large its service population has become and regardless of its parent corporation. For instance, existing law encourages dependence on Government lending with the provision that allows every borrower equal and permanent status in the program.

This small, but important, provision, has kept REA borrowers from graduating from the program and has allowed them to expand their portfolios while enjoying cheap Government loans. Consumers have yet to reap the benefit of low service charges that those loans seemingly would bring. Their bills have not significantly decreased and the profit margin of cooperatives have risen.

This is not to say that every rural cooperative is bilking the Government. That is definitely not the case. However, current law has allowed the number of cooperatives to stagnate—and in some cases—grow—as maintenance and expansion costs have grown. Therefore, we have many cooperatives who are requesting large amounts of money in Government loans. Those loans are approved regardless of the financial status of the cooperative and their ability to compete for loans in the private sector which will not offer them the same low interest rate that the Government does. Obviously, in these difficult budgetary times, 1 year's appropriation for loans cannot hope to equal the loan requests from every cooperative that will be made each fiscal year.

What has Congress done about this? Has it changed the law to reflect the tight budgetary times? No. Rather than change the law by supplying some type of regulation which would condition program participation on need or the size of the cooperative's service area. We have allowed the REA to operate with an outdated set of rules resulting in a backlog of loan requests. Who gets blamed? Congress. Who bears the brunt of the problem? The taxpayer and the consumer. The taxpayer loses in this scenario because he pays for loans which might be granted by a private institution.

My amendment would require the Secretary of Agriculture to report on how we could best serve the taxpayer and the cooperatives by establishing logical and reasonable program participation criteria. This amendment would not affect any loan request. Cooperatives would not be forced, at this juncture, to submit their requests based on any criteria other than what is now legally required.

I believe that if new program participation criteria was eventually implemented we would not have the problems with loan backlogs that we have now, and we would encourage the rural communities that have healthy, wealthy, or growing populations to seek their funding elsewhere. No one loses. But many would have to change their ways.

I urge my colleagues to support adoption of this amendment.

Mr. COCHRAN. Madam President, I think this amendment has been cleared on both sides and I urge adoption of the amendment.

Mr. BUMPERS. Madam President, the amendment has been cleared on this side. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2774) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

PUBLIC LAW 480 DEBT RESTRUCTURING

Mr. COCHRAN. Mr. President, it is my understanding that this bill is at the limit of our function 150 allocation and we were therefore unable of fund Public Law 480 debt restructuring to the amount of the budget request and are now at a level of more than $56 million below the House level. A higher level would provide greater efforts toward meeting the goals of the Enterprise for the Americas Initiative.

Mr. BUMPERS. That is correct. We are at the limit of our allocation.

Mr. COCHRAN. The Enterprise for the Americas Initiative would provide support for economic reform in as many as five Latin American and Caribbean countries, most notably El Salvador and Costa Rica. In addition, the program could generate as much as $20 million in local currency for grassroots environmental projects in the region.

Mr. BUMPERS. That is my understanding. In addition, it is noteworthy that Latin America is one of the fastest growing regional markets for our exports and that is extremely important during these times when negotiations for a strong U.S. position in the GATT and NAFTA are priorities for our agricultural community.

Mr. COCHRAN. I agree. I believe the House discussion and vote on this issue accurately reflect the priority that should be placed on this program, and I hope that in conference with the House we can resolve funding for Public Law 480 debt restructuring in a manner that will enhance our potential for greater U.S. exports, jobs, and growth.

Mr. BUMPERS. I concur with the Senator from Mississippi and I thank him for his comments on this program.

Madam President, we have now been waiting for 45 minutes for an amendment and we have just disposed of all the agreed to amendments. Therefore, I move that we proceed to third reading of the bill.

Mr. COCHRAN. Madam President, I would be constrained to urge the Senator to withhold his request to go to third reading. We do have a unanimous-consent agreement which sets out some amendments that Senators had intended to offer, and this agreement purports to protect their right to offer the amendments. I do agree with the Senator from Arkansas there is no guarantee that we cannot go to third reading if Senators do not come to the floor and offer these amendments.

So I hope that Senators will recognize that we have some amendments listed in the unanimous-consent agreement, and we are ready to discuss and consider those amendments. But in consideration of all Senators' interests, we ought to proceed expeditiously to consider those amendments or else go to third reading.

So I hope Senators will recognize that we do intend to go to third reading on the bill at some appropriate time. I sympathize with the statement made by the Senator from Arkansas that a motion to go to third reading is certainly in order at any time if no Senator is here to offer the amendment provided for in the order.

I hope the Senator, temporarily at least, will withhold his request.

Mr. BUMPERS. Madam President, I certainly have no desire to cut off any legitimate rights of Senators. We have now been on this bill all day long. It should have been disposed of in 3 or 4 hours. We have been on it now since 11:20 this morning with about an hour off for the caucuses, and I promise you that a good third of the time has been taken up in quorum calls. This can only be considered ridiculous. It happens around here all the time. I may be a little more impatient than most, but I wonder if the Senator from Mississippi would be willing to agree that just informally, if we do not have an amendment on the floor within the next 15 or 20 minutes, we move to third reading.

Mr. COCHRAN. I see nothing inappropriate with that suggestion, Madam President, and I would concur with the Senator, if we do not have an amendment offered by some of the Senators who are described in the order, we

should proceed to third reading. I agree with the Senator.

Mr. BUMPERS. I thank the Senator. I withdraw my motion, Madam President, and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2775

Mr. SIMON. 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 Illinois [Mr. SIMON], for himself, Mr. DIXON, Mr. SASSER, Mr. D'AMATO, and Mr. WELLSTONE, proposes an amendment numbered 2775.

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

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

The amendment is as follows:

On page 87, line 24, strike "$174,500,000" and insert in lieu thereof "$170,700,000".

On page 77, line 21, strike "$744,135,000" and insert in lieu thereof "$746,035,000".

On page 77, line 23, before the period insert ": *Provided further*, That $1,900,000 of the funds made available to the Food and Drug Administration shall be available to fund a clinical pharmacology pilot program.

Mr. SIMON. Mr. President, this is an amendment that is cosponsored by my colleagues, Senator DIXON, Senator SASSER, Senator D'AMATO, and Senator WELLSTONE, the Presiding Officer. I believe it is acceptable.

It takes basically 2 percent of the marketing fund. We are about $100 million over the House in those funds—take about 2 percent of those funds and allocate them to something that has been authorized that is of great need, that is to train pharmacologists so that we can speed up the process of approving drugs. I could go into greater explanation, but that is basically it.

I believe it is acceptable to both sides. I would appreciate a favorable vote in this body.

Mr. BUMPERS. Mr. President, I have had a discussion with both my ranking member, Senator COCHRAN, and the author of the amendment, Senator SIMON. I do not mind saying I am troubled by the amendment. I have such great respect for the Senator from Illinois that I have told him we would accept the amendment, and spend some time between now and the time we go to conference with the House to talk with the Food and Drug Administration about the amendment and determining whether or not we can really forcefully defend it in conference.

With that understanding, I am willing to accept the amendment.

Mr. COCHRAN. Mr. President, the Senator from Arkansas correctly states our discussion about the amendment. I hope the amendment can be resolved in conference but I am not at all certain that we can. But we do in good faith accept the offering of the amendment at this point and urge its adoption.

Mr. SIMON. Mr. President, I thank my colleagues. I understand that we can take a good solid look at it before conference and see what happens there.

I would appreciate a favorable vote.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from Illinois.

The amendment (No. 2775) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I might just make an observation, if I could be recognized for that purpose.

We are now down to a point where we just have a few more amendments left. For the information of Senators, with the disposal of the Simon, Dole, and Leahy amendments, I am authorized to announce to the Chair that Senator SMITH will not offer the amendment that is listed in the order on freeze levels.

The McCain amendment on authorized programs will not be offered. There is a Brown amendment that has been submitted to the managers that we are looking at right now relating to research grants. The Harkin amendment is still on the list related to travel expenditures; the Bryan amendment; there is a Boren amendment on the list on rural development grants. There is a Domenici amendment on the food stamp Thrifty Food Program; and a statement on Colonias. We understand that we can expect that to be brought up on the floor momentarily.

So we are down to the point where we can look for completion of the bill it seems to me in a very reasonable period of time.

If Senators who are listed on the order can come to the floor and present their amendments, we can expeditiously complete the handling of this bill.

I hope we can have the cooperation of Senators so we can get to final passage.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. 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. BUMPERS. Is the Senator offering an amendment?

Mr. DOMENICI. I will offer an amendment on food stamps, and then I will withdraw it.

AMENDMENT NO. 2776

Mr. DOMENICI. Mr. President, on behalf of myself, Senator DOLE, Senator MURKOWSKI, Senator MCCONNELL, Senator DECONCINI, and Senator LEAHY, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, Mr. DOLE, Mr. MURKOWSKI, Mr. MCCONNELL, Mr. DECONCINI, and Mr. LEAHY, proposes an amendment numbered 2776.

Mr. DOMENICI. 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, insert the following:

**SEC. . ADJUSTED COST OF THRIFTY FOOD PLAN.**

Section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11)) is amended by inserting before the period at the end the following: ", except that on October 1, 1992, the Secretary may not reduce the cost of such diet".

Mr. DOMENICI. Mr. President, this amendment may appear to be rather innocuous. Its title speaks for itself. It is a temporary prohibition on reduction of food stamp benefits.

Essentially, believe it or not, Mr. President, because we have had a reduction in inflation, we are scheduled, on October 1, to have a $4 reduction in the basic monthly food stamp allotment for poor families. I don't believe we should allow that in this year, considering the difficult times people are having. The food stamp program has some significant shortfalls, and I do not think we ought to add to the burden out there or to the feeling that our people have with reference to the situation in our country by letting this reduction occur.

So what this amendment does is provide that the thrifty food plan, the current measure upon which the benefit allotments are based, not be reduced for 1 year.

Obviously, we do not know what the inflation rate will be for the following year, but clearly, all things added together, this thrifty food plan comes under some kind of attack by certain people as to its propriety, and as to its appropriateness, in terms of the methods of figuring it. It seems to this Senator that in the midst of all of this, since we already have in the budget an estimate that assumes that the thrifty

plan will not be reduced, this amendment, if adopted, will not require any payment by taxes or cuts. In other words, the pay-as-you-go provisions of our budget agreement do not come into play, because this amendment is already paid for in the policy baseline in the budget.

Mr. President, I offered this amendment on behalf of myself and the other Senators that joined me to make a point. I do not really want to burden an Agriculture appropriations bill with this amendment, but now I have been led to believe that the Agriculture Committee, its chairman, Senator LEAHY, and ranking member, Senator LUGAR, will actually cause to be reported out this identical amendment in bill form this evening or tomorrow, and it will be adopted by the Senate as part of the unanimous-consent concluding events of the Senate.

I am told that I can say that because it is going to happen, and, thus, I do not have to burden an appropriations bill with this authorizing change.

Make no mistake, if I was not assured that that was going to happen—and that is the right way to do it—I would clearly do it this way, and I believe the Senate would, without any question, adopt this.

Mr. President, the amendment I offer today is the text of a bill I introduced last week with Senators DOLE, MURKOWSKI, MCCONNELL, and DECONCINI. This is a matter which requires quick action by the Congress in order to prevent a reduction in food stamp benefits this fall.

Mr. President, because we have had a reduction in inflation, we are scheduled on October 1 to have a $4 reduction in the basic monthly food stamp allotment to poor families. I do not believe we should allow that in a year that is as difficult as this.

This amendment provides that the thrifty food plan, the current measure upon which benefit allotments are based, not be reduced for 1 year.

This amendment would impose a temporary restraint on the reduction of food stamp benefit levels, for fiscal year 1993 only, after which benefit levels would resume as under current law.

Mr. President, there are currently over 25 million Americans who are counting on food stamps to supplement their food budget. The economy is growing, but as we all acknowledge, that growth is slow to impact some of our neediest people.

Those who would be most adversely affected by a reduction in benefits are larger households, typically families with children.

Mr. President, the thrifty food plan is a market basket list of amounts and kinds of foods needed to provide a nutritionally sound basic diet. Without this adjustment, food stamp benefits for households would have to be cut on October 1, due to the drop in the cost of the market basket.

OMB has offered assurance that this amendment will not present a pay-go problem or violate any provisions of the Budget Act.

When formulating the current baseline, there was an increase assumed for the thrifty food plan, therefore, current benefit levels can be maintained for fiscal year 1993, without pay-go problems.

Mr. President, I urge my colleagues to adopt this amendment, in order to assure millions of needy American families that their food stamp benefits will not be cut.

With that, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 2776) was withdrawn.

RURAL WASTE AND WATER DISPOSAL PROGRAM

Mr. DOMENICI. Mr. President, I would like to talk about a matter that is of real significance to the Senator from New Mexico, and again, I do not choose to, in any way, by amendment challenge the good work of the Committee on Appropriations and the Subcommittee on Agriculture, but I want to talk about a situation that cries out for some help, and I am very hopeful before the year is over with, and before the process is completed, that we will find a way to help with this situation.

We have in this bill that is before us a program called Rural Waste and Water Disposal Program. This is a grant program and clearly the title speaks for what it does. It is a mechanism for helping with sewer and water in rural America where there are serious problems and inability to pay for the kinds of facilities that might be needed for public health and sanitation. So it is the Rural Waste and Water Disposal Program.

For that program the President of the United States asked that $25 million be set aside and targeted for some communities that are commonly known by the name of colonias. "Colonias" is a Spanish word meaning colonies, for lack of a better word. They are small communities of Mexican-Americans that spring up here and there along the border in New Mexico, in Texas, and parts of Arizona. Generally they start because somebody illegally subdivides a piece of property and, before the authorities can get to them, immigrants squat on the property and then, before they are removed, these squatters end up with small structures that are houses. Before much time there are literally scores of people living on these small lots and they eke out a living one way or another. Day by day the little community grows and becomes a colonia. What is really happening—and I do not believe it is anyone's fault at this point—is there are literally hundreds and hundreds of people living in these small colonias communities without water and without sanitation facilities.

It is truly devastating to behold, and clearly something that cries out for help. There is not any easy way. Some might say, well, Senator, just remove the people? In the United States you cannot just come down in helicopters or send military people in and take squatters off of these small communities lacking in sanitation. You have to work with the people and, in due course, try to help and, with new trade that is going on between our countries, hope that Mexico's standards will go up and we will have less pressure of this type. But for now they are almost semipermanent communities that grew up. They are not chartered. They are not legal. But they are there and the situation is devastating in terms of sanitation and health from the lack of sewer and water.

The President asked that, out of the increases in this program, the $25 million be set aside for that border problem.

Our Committee on Appropriations was unable to increase the basic program sufficiently to justify a set aside—at least these did not increase it enough—or were unable to where I would not feel comfortable asking the Senate to set aside $25 million.

I still want to say we still have to go to Congress, and the U.S. House of Representatives did increase this program by $50 million. We only increased it by $31 million. The House set aside $25 million for this program, that is colonias on the border to see if we could not help some of those people, the most egregious situations, with some kind of water and sanitary facilities, be it temporary or otherwise.

Our bill only has $381 million, which is a $31 million increase. And obviously, if we set aside $25 million, there would hardly be an increase for the rest of the country.

I speak to this today because it bothers me very much and certainly it makes it even worse if we are not going to do anything to alleviate this situation right in the middle of optimistic efforts on our part regarding a new free trade agreement.

Clearly, we ought to be making some headway in some of these kinds of things as we talk about a bright future and as we talk about trade which will add jobs rather than aid; trade instead of aid. In this case we truly need to put money in sooner or later. I do not think there is any disagreement.

We do not want this to continue. We wish it never started. But the truth of the matter is it is a living reality. There are a few thousands of people living in a number of these and I wanted to make the case today knowing full well that the chairman and ranking member of the subcommittee will be conferees and that hopefully before we finally produce a bill that goes to the President we might find a way to do something to alleviate this very, very

devastating type of human suffering that goes right to the heart of living day by day, that is some kind of safe water and sanitation.

With that, I yield the floor and thank the managers for their consideration and the time that they have given me today.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I rise to commend the distinguished Senator from New Mexico for his eloquent statement and his sincere expression of concern for the colonias and the fact that funds are needed to deal with the water systems and the problems along the United States-Mexico border in his area of the country.

I recall the Senator from New Mexico arguing for funds to be allocated for this purpose in the Committee on Appropriations. He made a very forceful argument at that time, and I think he has impressed the Senate with the fact that this is a legitimate need, it is a concern that needs to be addressed.

I am glad that we were able to include in the bill an increase of $81 million in excess of the budget request for this account in this bill. I hope that within those funds that are being appropriated, even if no increase is earmarked for this specific problem, that the administration can find a way to deal with that situation.

The House bill does provide an additional $25 million earmarked for that area of the country and for that particular problem.

While we do not provide the earmark, it will be a subject of discussion inevitably as we go to conference with the House, and I am sure the comments the Senator has made will be remembered by those of us who will be on the conference committee, and I particularly want to express my appreciation for his helpful discussion of the issue on the floor tonight.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from Mississippi.

Mr. BINGAMAN. Mr. President, I am dismayed that the fiscal year 1993 agriculture appropriations bill does not include funding for water projects along the United States-Mexico border. The proposed fiscal year 1993 budget earmarked $25 million in rural development grants for the New Mexico and Texas colonias. These border communities are generally small, rural, and residential, unfortunately characterized by substandard housing and inadequate plumbing. The colonias house almost 17,000 New Mexicans who lack both drinking water and waste water treatment facilities.

Such fundamental comforts still elude the colonias residents, Mr. President. I encourage the conferees to earmark funds for this worthwhile effort. I will look for other opportunities in the appropriations process to continue to address the problems facing the colonias.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 2777

Mr. BOREN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. BOREN] proposes an amendment numbered 2777.

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

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

The amendment is as follows:

On page 57, line 6, before the period, insert "*Provided further*, That $500,000 shall be available to the city of Seminole, Oklahoma, Industrial Foundation to make improvements in the water and sewer system of the city of Seminole and its industrial sites sufficient to accommodate a major industrial expansion".

Mr. BOREN. Mr. President, this is an amendment that I have discussed with the managers of the bill as they are well aware we face a very severe economic situation in parts of my home State; in fact, most severe in the county in which I have lived all my life and still maintain my home and residence and I am there virtually every weekend. I see firsthand every time I come home the economic struggling.

Of 77 counties, this county has in the last 3 or 4 years consistently ranked in the top 3 or 4 or 5 of the 77 counties in the rates of unemployment in the double digit range throughout this period.

We have a major opportunity to bring in a new industry in the textile industry, the denim industry, into our community that would bring 700 to 800 new jobs but would put a great strain on the municipal facilities, particularly environmental facilities, sewer and water facilities, to accommodate it.

The community is willing to make every effort to vote additional taxes on itself, to increase bonded indebtedness to make this industry a possibility to greatly increase the employment in the region. Eight hundred new jobs in a county that only has 24,000 people is a major economic step forward. And we are simply not able to do it through the normal course of programs, with all of the local effort possible under the laws of our State.

Therefore, I have asked that this additional assistance be provided and this amendment be made available to the city to be used as a match with local efforts in order to make it possible to bring in that industrial expansion.

Mr. BUMPERS. Mr. President, I have discussed the amendment with the Senator from Oklahoma. We have no objection to it on this side of the aisle.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, the amendment has been cleared, and we urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2777) was agreed to.

Mr. BOREN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. BOREN. Mr. President, I wish to thank both managers of the bill for their consideration and understanding.

I also ask unanimous consent that my colleague from Oklahoma, Senator NICKLES, be added as a cosponsor of the amendment.

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

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 2778

(Purpose: To prohibit the use of funds made available by this Act to carry out the market promotion program)

Mr. BRYAN. 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 Nevada [Mr. BRYAN] proposes an amendment numbered 2778.

On page 87, line 24, strike "$174,500,000" and insert in lieu thereof "$75,000,000".

Mr. BRYAN. Mr. President, by now it is a familiar litany that we have heard many times during the course of this session of Congress, and I speak of the discouraging—even the depressing—news of the growth of the Federal budget deficit.

It took us nearly 200 years of our constitutional experience to amass the first $1 trillion of debt. We assumed a Revolutionary War debt at the time the Constitution was enacted. We financed an extraordinarily costly and tragic Civil War. We financed two World Wars, a Great Depression, a recovery program, Korea, Vietnam, all amassing a cumulative deficit in 1981 of approximately $900 billion. In the intervening period of time, that deficit has nearly grown by four times.

We are approaching now $4 trillion in terms of our deficit. Although we are told this year, with the revised numbers, that our deficit this year will be approximately $333 billion, one of the most distressing aspects of that debt is the interest alone, in fiscal year 1992, will approximate $201 billion—$201 billion.

We have heard the oratory ring in this Chamber, and I daresay that no

Member in either body has failed to make speeches declaiming the fact of that deficit. The amendment which I have just submitted will give us an opportunity to address that in a significant and substantial way.

Some of us, Mr. President, have become so alarmed by the magnitude of this debt that we believe that a constitutional amendment requiring the Federal budget to be balanced and to require the President of the United States to submit a balanced budget is required. As you know, Mr. President, that was not the judgment of this body. It was offered, but we were unsuccessful.

All of us who support that constitutional amendment—and everybody in this Chamber—recognize that that constitutional amendment was not self-executing. It was going to require us to do some very difficult and painful things, and no one would be spared from the impact of a meaningful deficit reduction program.

As for the program that I am going to talk about this evening, it is one of those sacred budget cows. I have seen a circular, pointed out by our distinguished and able colleague, the acting chairman of the Appropriations Subcommittee, the senior Senator from Arkansas, that indicates the number of States that benefit from this agriculture export promotion program. My own State is mentioned. And like many of my colleagues, I have received a call today indicating: Please, do not do anything about it. It will affect us. We need this program. We like this program.

I daresay, Mr. President, that that would be instructive with respect to every program in the Federal budget. Each of those programs has advocates, sponsors, constituencies that support it. But if we are going to unmake any kind of progress at all, we have to begin. And this time, when we are amassing the kind of deficit that we have seen occur in the last decade, we cannot afford corporate welfare. And that is what this program is all about.

I am speaking, Mr. President, of the Market Promotion Program. Some of my colleagues who do not serve on the Agriculture Committee may not be familiar with all of the subtle nuances in the agriculture programs. But this is a program that has a laudable purpose. It was created to encourage the development, maintenance, and expansion of exports of U.S. agricultural products. And I do not quarrel with that objective.

MPP is the successor of an earlier program, the Targeted Export Assistance Program, a program which was established in 1986. Since 1986, Mr. President, more than $1 billion—$1 billion—has been spent for MPP or its predecessor program, the Targeted Export Assistance Program.

Mr. President, we are talking about real money and real dollars, over $1 billion.

MPP is operated through about 61 different trade organizations in which federal taxpayer moneys are allocated to those trade groups or organizations that run either market promotion programs themselves, or they pass that money directly along to individual companies who advertise and promote their own specific branded promotions.

About 60 percent of the program activity goes into the generic promotion; that is, moneys that are given directly to these trade organizations that promote generically: "Buy America," for example. The other 40 percent is provided as pass money through these various trade organizations to specific companies that promote and advertise their specific branded product.

The General Accounting Office has pointed out that the entire Federal Government spends about $2.7 billion annually on export promotions. And while agricultural products account for only 10 percent of total U.S. exports, the Department of Agriculture spends about $2 billion, or 75 percent, of the total. The Department of Commerce spends about $195 million annually on trade promotion.

As I have indicated, I do not object in principle to a public-private partnership in which the Federal Government, working with the private sector, assists in the export of American agricultural products. But this is a program, Mr. President, that simply is out of control and it has no accountability, and a program that we can ill afford at this time.

My preference, Mr. President, until such time as this program can be restructured and reformed, would have been to eliminate funding altogether. And that would be approximately $175 million in this appropriations bill that we are considering.

What I have done, however, is—recognizing that if you are going to reform the program, maybe you had better give folks a wake-up call and an opportunity to do so—I have reduced the level of funding by approximately $100 million, to the level that was appropriated in the other body's appropriations bill. So if this Chamber accepts this amendment, it will be in harmony with the action previously taken in the other body.

Mr. President, what is the problem with this program? First of all, I think it needs to be pointed out that there is no strategic plan; there is not a game plan. There is not a carefully considered, overall strategy in which the allocation of money is carefully considered and it has a targeted purpose.

Let me cite, if I may, a couple of examples.

The General Accounting Office offered its testimony recently before the Committee on Agriculture, Nutrition, and Forestry. Mr. President, in that testimony, and I will quote it:

> In fiscal year 1991, the program's participants received more than $200 million in program funds and conducted activities in 139 countries. Since 1986, over $1.1 billion has been authorized for the Targeted Export Assistance and Market Promotion Programs.

One is the predecessor program as I described and the other is the current program, the MPP.

> Despite the substantial funding for this program, the large number of variables that determine exports makes it extremely difficult to demonstrate a one-to-one relationship between program-funded promotion activities and increased exports.
>
> The Market Promotion Program's broad goals can be used to justify program support for promotions under any market situation. Funds are not allocated based on product or market priorities. Only commodities that have been subject to documented unfair trade practices are to be given extra preference. The small start-up company trying to establish itself in an overseas market and the large multinational corporation that spends millions of its own dollars to maintain its decades-long position in a country receive the same consideration for funding. Over a third of the money spent under the program is used directly to support the overseas marketing programs of private U.S. companies. In some cases these companies are large, multinational firms with broad experience in exporting.

I will address the issue of multinational companies at a later juncture.

> Although the Food, Agriculture, Conservation, and Trade Act of 1990 required Agriculture to develop a long-term agricultural trade strategy by October 1991, the strategy is still under development and has yet to play a role in the allocation of Market Promotion Program funds or in other trade-related programs and activities.

Let me cite a couple of examples which would indicate the total absence of a strategy, a game plan, a sensible approach to what I indicate is clearly a desirable goal, and that is the increase of American agricultural exports.

Since 1986, the California Raisin Advisory Board has spent $47.4 million nationwide for market development. Of that, $9.4 million was specifically spent for development of raisin exports in Japan. Mr. President, currently the United States has 80 percent of the raisin imports in Japan. That is good news.

I respectfully submit that a question arises, and that is, with that type of market penetration—which, as Americans, we all rejoice in and are delighted to see—is this a program that ought to continue to receive taxpayer assistance? With 80 percent of the market penetration, is it not reasonable to ask that the companies themselves that are directly involved in that export underwrite the cost of the advertising rather than the American taxpayer?

Another example, if I may. Ursula Hotchner, an official from Newman's Own—that is Paul Newman's food company—was recently asked why the company was selected to receive TEA funding. This is her answer:

"I don't know," she said. "Someone from the export council called me up one day from out of the blue and asked why don't we take the money? They said all we had to do was send in our advertising bills and they'd reimburse us. I figured, why not?" She said.

Mr. President, that is hardly part of a carefully constructed, responsible strategy in terms of how we spend taxpayer dollars to assist the export of agricultural products coming from the United States.

Another policy issue arises. Who should get these funds? No guidelines exist about the size or type of company that will receive MPP funds. For that reason, large corporations such as McDonald's, Sun-Maid, Welch's, and Pillsbury can receive large sums of money. Since 1989, but not including the current fiscal year of 1992, Welch's has received $2,974,109; Blue Diamond, $22,688,900; McDonald's $1.185 million; Pillsbury $5,224,850.

I think the question arises, during a period of extreme budget duress, should the American taxpayer be subsidizing these corporations in terms of their own advertising and export promotion activity?

Mr. President, I invite my colleagues' attention to a chart, the source of which is GAO, Forbes, Standard Directory of Advertisers, and Advertising Age. I think it makes the point. From 1986 to 1992, McDonald's, the large hamburger food chain, has received over $1 million from MPP and its predecessor TEA. McDonald's is a substantial corporation. Its net profits are $802 million and its advertising budget is $764 million.

Now, with Federal dollars as tight as they are, with each year adding—assuming these most recent estimates are correct—$333 billion to the deficit this year, more than $200 billion of which is interest alone, I do not believe you can defend that kind of allocation from the American taxpayer.

Tyson's Foods has received, in the past 6 years, nearly $10 million. Its advertising budget is $25 million, its net profits $126 million.

Borden's has received $344,846, another highly successful corporation, with net profits of $364 million; $110 million is its advertising budget. It has received $344,000 of taxpayer dollars.

ConAgra, $560,000 received from this marketing export promotion program. Another large company with $285 million in net profits, its own advertising budget a rather substantial $246 million.

Finally, by way of illustration, Brown-Forman has received $1.26 million over the last 6 years. It, too, has had a substantial profit, $143 million, and a substantial advertising budget of $74.7 million.

My point is that I do not object and am pleased and delighted that these companies are making money. That is what the free enterprise system is all about, and I support that. But I must say it raises a substantial question in terms of public policy of how we defend reaching into the pockets of the American taxpayer and, in effect, assisting these companies which have the financial wherewithal on their own to pay for their advertising budget for specific branded products marketed by these companies.

Mr. President, another policy issue arises, not only who should receive in terms of how much, how big or small the company may be, but should this be confined for the benefit of American companies? After all, we are talking about American taxpayer dollars. These are our constituents, each of whom pays proportionately for this program.

I have listed here a list of foreign brands—these are not American companies—that receive support by MPP. I note for the record that the source of this information is submitted to us by the Department of Agriculture. It does not purport to be an entire list, but I will certainly make it available for our colleagues to take a look at.

The amount of money that has been paid since 1989 on foreign brands and their subsidiaries is $43 million. Mr. President, how do we defend that? How do we say to the American taxpayer we are asking them to, in effect, pay the cost of advertising and promotion for companies that are not even American companies? I must say I cannot give my own constituents a satisfactory answer. And I must say I think our constituents would be very surprised if they knew the program operates in just this kind of fashion.

For example, with respect to the MPP's branded products, you will recall this program operates in two ways. Money is provided to these trade groups either for generic—that is, buy American—about 60 percent of the money goes for that purpose. Another 40 percent goes to these trade associations and is directly passed through to a specific company which advertises a specific branded product.

There is currently no minimum U.S.-content requirement for MPP's branded products. Although they must use a U.S. product, it does not need to be 30 percent, 50 percent, or 80 percent. It could be 10 percent. So the amount of the American agricultural product involved in the product that is ultimately packaged and marketed may contain a very small, minute part of American agricultural products.

Again, Mr. President, I suggest that that raises a substantial question of how do you justify supporting this kind of program with American taxpayer dollars?

Moreover, is this program to last forever? Once a particular program, a branded product may receive consideration by the Department of Agriculture, what is the criteria for ultimately weaning that particular company from continued funding?

Mr. President, I suggest that there is again an absence of criteria in terms of how this program is to be administered and under what circumstances funding is secured in the first instance, who is eligible, domestic or foreign, how much American product has to be in the particular product that we are subsidizing the advertising for. As I have indicated with respect to branded products, there is no requirement for a specific amount and once it is established and a program is entitled to funding, under what circumstances is that to be discontinued?

Mr. President, the point that I make is that this is and should not be corporate welfare. I invite my colleagues' attention to an article that appeared recently in the National Journal, dated June 27, 1992, entitled "Subsidized Ads." I ask unanimous consent that the article be printed in the RECORD.

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

[From the National Journal, June 27, 1992]

SUBSIDIZED ADS

(By Jonathan Rauch)

"Betty Crocker, Welfare Queen." Beneath the all-capitals headline was this announcement: "I've introduced a bill to end [the] Market Promotion Program—a $200 million program that hands out checks to some of the largest and most successful corporations in America."

The signature on the Feb. 11 "Dear Colleague" letter belonged to Rep. Richard K. Armey, R-Texas. Attached to the Armeygram was a copy of the Feb. 2 Associated Press story, by Jennifer Dixon, that lifted the Market Promotion Program (MPP) from obscurity to notoriety practically overnight.

"WASHINGTON.—McDonald's got $465,000 from the Agriculture Department last year for ads, paper tray liners and counter displays promoting Chicken McNuggets to customers around the world.

"Campbell Soup Co. spent part of the $450,000 it got from the government to remind the people of Japan, Korea, Argentina and Taiwan to have a V-8 juice. Joseph E. Seagram & Sons Inc. touted its Four Roses whiskey in Europe and the Far East with $146,000 for the department."

Armey is a Ph.D. economist, a breed that is to farm subsidies as the mongoose is to the cobra. Of the House Agriculture Committee's members he says, "They have become so successful in esoterrorizing [sic] their subjects that they have effectively fenced out everyone else." Ever since he came to Congress in 1985, he has made a hobby of taking legislative potshots at vulnerable farm programs—currently, the Market Promotion Program.

"It is a completely outrageous case of corporate welfare," Armey said in a recent interview. "A big plum that the Agriculture Committee handed out to their friends.

Armey isn't alone. In March and April, House and Senate committees held hearings on the program. Rep. Charles E. Schumer, D-N.Y., denounced the program as a "bloated corporate welfare program." Sen. Wyche Fowler Jr., D-Ga., said that the program's

initials stands for "More Perks, Please." Rep. Peter H. Kostmayer, D-Pa., has introduced a bill to cap benefits and disqualify big companies.

"This program is almost a metaphor for what's wrong when it comes to federal budgeting," Kostmayer said in a recent interview. "These are out-and-out subsidies to some of the largest corporations in this country. There seems to be almost an inability to say no to anybody anymore."

Any program that dispenses $200 million a year in public funds for private advertising is bound to have its advocates, too, and they're more apoplectic than apologetic. "We're not looking for subsidies, we're talking about partnerships," said John De Luca, the president of the Wine Institute. The institute, which represents the California wine industry, is slated to get $14.3 million under the program this year, making it one of the program's largest beneficiaries.

What about Kostmayer's proposal to cap benefits? "How small-minded, for God's sake," De Luca said. "Simplistic thinking is driving this country into the ground when it comes to global competition."

There's a bit more here than meets the eye. Believe it or not, the debate over this oddball program is a microcosmic version of a much larger and more important argument: namely, the argument over strategic trade policy, and whether it's a necessity or a chimera.

The key idea behind strategic trade policy is that by helping certain industries or sectors compete in important and fiercely competitive global markets, the government can add to the country's wealth. That's also basically the argument for the MPP.

The program's detractors speak the 1970s language of anticorporate populism ("Betty Crocker, Welfare Queen"). Its supporters speaks the 1980s language of industrial policy (government-business partnerships to leverage private investment into expanding foreign markets).

And so the MPP is worth a closer look. Is it softheaded welfare for the well-connected? Or hardheaded strategizing for competitiveness?

SUBSIDIZED SALES PITCHES

The program—originally called the Targeted Export Assistance program—was created in the 1985 farm bill, partly as a reply to foreign trade subsidies, and partly as a gimme for California fruit, nut and vegetable growers who otherwise get little from the farm bills. (Last year, all five of the top corporate beneficiaries were based in California.) It passed with little debate and no major opposition.

This was no model program, especially in the early years. The General Accounting Office (GAO), among others, strongly criticized it for giving away money haphazardly. James A. Moody, a Washington lawyer, recalls applying for money on behalf of one of his clients, Sequoia Orange Co. of Exeter, Calif.: The application was nothing more than a one-page letter. "It was the easiest $200,000 I've ever applied for."

Congress answered by tinkering with the program in the 1990 farm bill, and the Bush Administration has done some tinkering of its own. At the Agriculture Department's Foreign Agricultural Service, associate administrator Stephen L. Censky said: "We think that with the improvements we have made in the last two years, it is a significantly better program and a significantly different program." The GAO agrees—sort of. "There have been some improvements in management," said Phillip J. Thomas, the GAO's assistant director for international trade. "They have tightened up the program, but they have not eliminated all the problems."

Here's how it works. Every year, the program must give out $200 million for projects to promote American farm goods overseas. The recipients are trade groups of all kinds, from the Alaska Seafood Marketing Institute ($8.52 million to sell U.S. salmon) to the Wild Blueberry Association of North America ($26,000). The list of products promoted includes practically everything. Just some examples: nectarines, canned fruit cocktail, wood products, eggs, soybeans, prunes, walnuts, raisins, candy, avocados, pistachios, hops, bourbon, ginseng, mink furs and—everyone's favorite—bull semen.

If the Agriculture Department approves their plans, the trade groups can spend their federal dollars for generic "buy American" promotional campaigns. Or they can give the money to specific companies for brand-name advertisements. Either way, there's a matching requirement: at least 5 percent private money for generic campaigns, at least 50 per cent for brand-name ones. As of now, the program's budget is split 60-40 between generic and branded promotions.

And so, for instance, the American Soybean Association gets $10.4 million this year to push soybeans abroad, mostly in Europe. Sunkist Growers Inc., which received almost $10 million last year to sell citrus, used its MPP money for promotions such as the Japanese poster that's reproduced on page 1509.

Overseas, U.S. companies can use such promotions as bait. For example, the promise of MPP-backed advertising lured a giant Hong Kong beverage company to switch from Brazilian oranges to Californian. The beverage company put "Sunkist" on its label, and Sunkist helped promote the juice. That sale, says William K. Quarles of Sunkist, would have been "completely impossible" without federal help. "We were not competitive based on price alone," he said, "but when you add this particular factor, we became competitive."

And that is how McDonald's winds up with $465,000 of government money to sell Chicken McNuggets in Asia.

The program's advocates, including the Bush Administration, see little need to apologize. "I have to say to you," said Roger D. Runningen, the Agriculture Departments's chief spokesman, "that the Market Promotion Program has been over all very much a benefit to U.S. agriculture, not only in promoting more exports but in promoting more value-added exports, and in turn up to 38,000 new jobs."

The populists charge that the program subsidizes big companies—which is undeniably true. Kostmayer's bill, accordingly, would limit benefits to $500,000 per company per year, and it would disqualify companies with annual sales of $500 million or more, on the theory that such companies can fend for themselves.

Just one problem: If the goal is to promote U.S. exports, why disqualify a company merely because it's big? Big companies, after all, can often mount the most effective export drives, and they're often up against gigantic entrenched competitors. That's why Japan's postwar industrial policy never hesitated to support huge industrial combines.

Sure, E.&J. Gallo Winery got $5.1 million last year to sell wine abroad. But, said the Wine Institute's De Luca, "it's a drop in the bucket compared to what we're up against."

From the supporters' point of view, the attacks on "corporate welfare" are just the sort of knee-jerk business bashing that hinders America's competitive standing. It's "very tired thinking, as though this is another domestic program" rather than a response to international pressures, De Luca said.

That still leaves open the question, though, of whether the case for the Market Promotion Program makes sense on its own terms.

FREE-MARKET FLAWS?

America suffers from no shortage of advertising. When it pays, companies do it.

Yet, under special circumstances, it might make sense to finance private advertising with taxpayers' money. Two criteria would need to be met. First, there must be strong evidence that a flaw in markets leads companies to do less advertising than actually makes economic sense. Second, there must also be a compelling national purpose for using public funds to help fix such a flaw.

Agriculture is a fragmented industry, and promotion is expensive. A single U.S. cotton grower would have to spend a small fortune to advertise American cotton in, say, Japan; yet he'd capture only a tiny share of the benefits. So a market with many sellers might result in a "suboptimal" amount of promotion. That's the case for intervention.

There is, however, a nongovernment solution: Farmers can form trade groups and cooperatives. And they do. Sunkist, a cooperative of 6,500 citrus growers, is one such association; the Wine Institute is another. "I can't think of a single commodity that doesn't have a trade organization," said Moody, the lawyer. Such associations don't solve the problem of free riders—companies or farmers who won't join but benefit nonetheless. They clearly help, though.

In any case, there is no market-failure argument for brand-name advertising, which accounts for two-fifths of the MPP's budget. After all, the benefits of brand-name advertising are captured by the advertiser. When McDonald's advertises for McDonald's, it isn't doing anyone else a favor.

It's generally agreed, in fact, that brand-name advertising—touting Big Macs, for instance—is more effective than generically touting the tastiness of American beef. So the most effective form of promotion is the form that corporations are likeliest to do anyway.

That raises another question. The MPP must be doing one of two things: including companies and trade groups to do additional advertising or helping to pay for advertising that they would have done anyway. In the former case, the advertising can be at best marginally productive, because an ad campaign you wouldn't undertake without a subsidy can't be a very high business priority. In the latter case, the government payment is just a windfall.

To what extent, then, are the feds merely picking up the tab for ads that would have been placed anyway? "That's the $64,000 question," said John B. Campbell, who oversaw the Market Promotion Program at the Agriculture Department and now is an executive of Ag Processing Inc. in Omaha. "Would a company have done this absent federal assistance? I don't know if there's any way to answer that."

The subsidy undoubtedly adds some amount of promotion overseas. On the other hand, it probably also diverts some private money wastefully into unproductive advertising. Take the case of Sequoia Orange Co.

Sequoia, like Sunkist, sells oranges in Japan and Hong Kong. In those markets, Sunkist and others use MPP money to lure

foreign customers—in competition with Sequoia. And so Sequoia, to protect its own customer base, followed suit, using the government's money to advertise Sequoia's oranges in stores. "As a matter of survival, we at Sequoia have elected to use the program," said Carl A. Pescosolido Jr., Sequoia's co-owner. "We did it purely as a defensive measure."

Remember, though, that the program has a matching requirement. To qualify for $200,000 of federal money, Sequoia had to put up $100,000 of its own. Pescosolido says that for a company as small as his, brand-name advertising abroad makes no economic sense. And so his $100,000 was "like pouring water into a sewer—just a total waste."

Well, maybe some of this spending is justified if the end result of the program is to add to U.S. farm exports. That's the other big argument for the program.

U.S. wine exports were $30 million in 1986 and $150 million in 1991. "We attribute that heavily to the Market Promotion Program," said the Wine Institute's De Luca. The Cotton Council International says that over the same period, U.S. cotton exports increased from 5.3 million bales to 7 million. Sunkist says that revenues in Japan have risen from $119 million in 1985 to more than $200 million in 1990. And so on.

The problem is that farm exports are influenced by countless factors, from changing consumer tastes to exchange rate shifts to typhoons in India. From 1985-90, for instance, Japan opened its citrus market—surely a major reason for Sunkist's sales increase. Asking how one government program affects the over-all export picture is like tracking an individual drop of water in the sea: impossible even in principle.

Typically, program advocates compare exports in 1985 to exports today. But in 1985, the dollar was in the stratosphere, rendering U.S. goods very expensive in foreign markets. Since then, the dollar has fallen sharply, leading to an across-the-board export boom. From 1985-90, exports of nonfarm merchandise rose by 67 percent. Yet farm exports, despite the help of the MPP and other programs, rose by only 36 percent. Not so impressive.

MPP undoubtedly increases farm exports somewhat. But at what price? Proponents point to a cost-benefit study that the Agriculture Department performed last June which found that each dollar of promotional assistance may increase U.S. exports by $2-$7, depending on the assumptions used. That, however, was only the good news. The bad news was the study also found that the program's benefits were just about offset by its costs to American consumers and taxpayers.

If that's right, then the program is just shifting money from nonfarmers to farmers—which is what most farm programs are all about. In that case, the program is welfare after all. Instead of correcting a flaw in the market, it's just robbing Peter to pay Paul.

A MATTER OF PRIORITY

Are the payments worth making? Maybe. But it's easy to think of uses for $200 million that might be more pressing. "At a time when you're running the huge deficits that we're running now, it's much more difficult to justify this kind of expenditure," Leon E. Panetta, D-Calif., the chairman of the House Budget Committee, said in a recent interview. "You almost have to consider eliminating programs like this one."

Even supposing that the program works as strategic policy rather than just as welfare, the questions don't stop. Obviously, the government can't subsidize everything; resources are limited. If the United States is going to subsidize the promotion of exports, why favor farm exports? Why not biotechnology? Machine tools? Telecommunications? Pharmaceuticals?

According to the GAO, in 1991 the MPP's $200 million was more money than the Commerce Department spent on all its export promotion programs combined. In Japan last year, the MPP spent $64 million promoting U.S. farm goods, while Commerce spent a fifteenth of that amount promoting everything else.

In fact, (Agriculture Department programs account for 74 percent of all U.S. spending for export promotion, even though farm products account for only about 10 percent of U.S. exports.) Agriculture is one of America's most competitive industries; the automobile industry is in trouble. Why promote raisins in Asia rather than cars? Why potato chips rather than computer chips? No justification has yet been offered.

Lacking "any government-wide strategy or set of priorities," the GAO said in recent congressional testimony, "taxpayers do not have reasonable assurances that the public's money is being effectively used to emphasize sectors and programs with the highest potential returns."

Opponents of strategic trade policy have long argued that the choice of beneficiaries would be based on sound politics rather than sound economics. The MPP is consistent with their contention.

That leaves one remaining justification. It's that other countries are doing it too, only more so.

Take oranges again. According to Sunkist's Quarles, the European Community (EC) has slapped discriminatory tariffs on non-EC oranges. The scheme was ruled illegal under the General Agreement on Tariffs and Trade (GATT), but the Europeans were undaunted. "So we got pushed out of the EC and had to take that volume of fruit and move it from the EC to the Orient," Quarles said. "We were very successful in doing that with the help of the Market Promotion Program."

Or take soybeans, which the EC began heavily subsidizing in the 1970s. Those subsidies, too, have been ruled illegal under the GATT—and again the EC has paid little heed. The American Soybean Association says it uses most of its $10.4 million in MPP money on promotions intended to help them hang on against the onslaught in Europe. "If we're going to be competitive in this market," said Dennis Blankenship of the American Soybean Association in St. Louis, "we need federal assistance to do it."

The case is similar with wine and many other crops. Agriculture is the most heavily protected and subsidized sector in the world; subsidies in America, Europe and Japan cost taxpayers and consumers an estimated $300 billion a year. By way of a response, $200 million in annual advertising subsidies is far cheaper than direct subsidies of farm exports (though the United States has some of those, too), and it is clearly legal under the GATT.

"To me," said Campbell, "it's a small amount of money to spend for such a large portion of our industry."

Here, as ever, economists have a snappy answer, and Armey is ready with it. "I have no doubt that other countries engage in irrational and unnecessary public policy," he said. "That doesn't mean we should do the same."

In the end, the Market Promotion Program is a case study in the way agricultural subsidies around the world justify one another in a global game of beggar-thy-neighbor that never ends. Foreign barriers and subsidies "will never completely go away," Sunkist's Quarles said. "Every country has an interest in trying to protect its agriculture, and if it's not these barriers that we're facing today, they'll be dreaming up new ones tomorrow. So I really think the program should continue indefinitely."

It might. Of his own effort to abolish the Market Promotion Program, Armey said, "It's going to take a long time." So far, the global score is economists zero, taxpayers and consumers minus 300 billion.

AND THE WINNERS ARE * * *

Here are the 11 companies that received more than $1 million for brand-name promotions under the Market Promotion Program in 1991, along with the dollar amounts (in millions) and the product promoted. The top five companies are California-based; two other companies are foreign-owned.

| Company | Millions | Product |
|---|---|---|
| Sunkist Growers Inc | $9.9 | Citrus. |
| Blue Diamond | 6.2 | Almonds. |
| E.&J. Gallo Winery | 5.1 | California wine. |
| Sunsweet Growers Inc | 3.7 | Prunes. |
| Sun-Maid Growers of California | 3.6 | Raisins. |
| Pillsbury. Co | 2.9 | Processed corn. |
| John West Foods (U.K.) | 1.8 | Alaska salmon. |
| American Legend | 1.1 | Mink. |
| Tyson Foods Inc | 1.1 | Poultry. |
| Wrangler (Japan) | 1.1 | Cotton. |
| M&M/Mars | 1.1 | Candy. |

Source: Agriculture Department.

Mr. BRYAN. Mr. President, my point, as I had said at the outset, is not that I object in principle to agricultural export assistance. I think a case can be made for it in the global marketplace. But I must say no case, in my judgment, can be made for a program that is as ill defined in terms of what its strategic objectives are and how those determinations are to be made, what companies are to be considered, whether it is domestic or foreign, how large, how small, what markets are to be penetrated and, indeed, under what circumstances ultimately the company that receives the benefit of this program is to be weaned from that program and say, look, we have helped you but now it is time for you to go it alone.

I think it is very hard, indeed, to say to the American taxpayers that our good friends at McDonald's, the great company that they are, successful as they are, international as they are, that with an advertising budget in excess of three-quarters of a billion dollars that they need the American taxpayers' support.

Moreover, there is no way under the present structure of the program to ascertain whether moneys that are provided by the American taxpayer are not just substituted for an advertising budget that would already be expended by the company, the so-called additionality issue. There is no indication that, indeed, we are getting an extra bang for our buck.

Maybe all we are doing is simply reducing the advertising expenditure of some of the major corporations in

America, some of the largest foreign companies who do business in our country who also receive benefit.

Mr. President, if we are serious about the deficit, talk is cheap, action is dear. If we are serious about the deficit, this is an opportunity for us to begin and a savings of $100 million is an important step in the first direction. I thank the Chair, and I yield the floor.

Mr. BROWN. Will the distinguished Senator yield?

Mr. BRYAN. I will be happy to yield to the Senator from Colorado.

Will my colleague yield for a moment? I am told we need to correct a parliamentary point here for just a moment.

AMENDMENT NO. 2778, AS MODIFIED

Mr. BRYAN. Mr. President, I ask unanimous consent that my amendment be in order, notwithstanding the adoption of the Simon amendment, and that the amendment be modified to reflect the new figure in this appropriations bill with the change I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has a right to modify his amendment.

The amendment is so modified.

The amendment, as modified, is as follows:

On page 87, line 24, strike "$170,700,000" and insert in lieu thereof "$75,000,000".

Mr. BRYAN. Mr. President, I will be happy to respond to the questions of my friend from Colorado, the junior Senator.

Mr. BROWN. Mr. President, I simply want to indicate my support for the distinguished Senator's amendment. In the interest of full disclosure, I ought to indicate to the Chamber that I have been a member of the board of directors, U.S. Meat Export Council which has been active in using these funds, promoting the use of these funds. I headed the international marketing division of a major meat processing company that uses these funds currently in promotion of their meat. I have been active in a variety of associations and the American Meat Federation, actively engaged in this program, is located in Denver, CO, my home—at least where I was born and grew up—and located in the State that I represent.

I mention all of that, Mr. President, because I think the point the distinguished Senator made is a very important one. There is value to this program. It has significance in aiding us to export products. But the crisis we face with regard to the budget deficit is so enormous and so severe that it is time in this Chamber that we be willing to look at expenditures, even though we may like them, even though they may serve a good purpose, even though they may help in some areas. I am convinced that this is a courageous move on the part of the Senator; that it identifies funds that, while they serve a useful purpose, are not a high enough priority to plunge this country into a greater deficit.

So I will support his amendment. I will do it with great appreciation for the courage that he shows because I know there are many in his State that receive benefit from these funds. I can only hope that the rest of the body will not only follow his good example but be willing to apply this same standard of placing the good of the country above personal or private needs. I yield the floor.

Mr. BRYAN. I thank the distinguished Senator from Colorado for his kind remarks and comments and welcome his support.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, the Senator from Nevada has rapidly become one of the most respected Members of this body. He always presents his positions and cases eloquently and with force. In this particular instance, I must reluctantly resist his amendment and resist it strongly. It is an argument that the Senator from Nevada makes that without any counter sounds very persuasive. But, Mr. President, I want you and my colleagues to just listen briefly to what we are talking about.

In 1985 in the farm bill, we put a program in there called targeted export assistance. The whole idea of targeted export assistance was to compete with the European Economic Community who was and continues to subsidize exports to the tune of $1.5 billion a year. This year, 1992, we are subsidizing under the market promotion program which the Senator seeks to dramatically cut to the House level. We have $200 million in our Market Promotion Program and the European Community is by far and away our chief competitor. It is very difficult for us to compete with the French when it comes to wheat. I could go through a whole litany of products grown in Western Europe that the EEC subsidizes heavily.

In 1990, we changed the name of the targeted export assistance program to the market promotion program and that is what it has been known as since 1990.

Mr. President, you would get the impression by listening to the Senator from Nevada that somehow or another this is a brand now concept. The truth of the matter is the Export-Import Bank heavily subsidizes exports.

There are all kinds of programs where we do in fact subsidize American industry and American agriculture because we have to compete.

Now, we found under the targeted export assistance program that you do not get very much bang for your buck when you are just promoting rice, or you are promoting cotton, or you are promoting poultry products.

When I first looked into this, I would have joined the Senator from Nevada because it looked to me like a pretty bad program. For example, Blue Diamond Almonds has done a magnificent job of exporting almonds. If you give the same amount of money to promote generic almonds—everybody grows almonds—you do not get anything out of it.

What is the difference in trying to help the farmers of America and Boeing Aircraft in Washington? Boeing Aircraft would be cut out of all kinds of markets all over the world if it were not for the Export-Import Bank.

But the thing you must bear in mind is most of this money is going for branded, further processed products, what we call high-value agriculture products. You cannot very well ship—well, you can. You can ship whole chickens and export them, and as you know I have a deep and abiding interest in the poultry business. You can export chickens. But if you cut that chicken up, cook it, put it in a freezer bag and ship it, you have kept a lot of jobs in the United States. This program alone contributes over 38,000 jobs a year.

Now, Mr. President, in addition to that, if a company manufacturing or processing a branded product wants to get in on this deal, they not only have to compete for it; they have to put up 50 percent of the money. Since 1985, when we started the targeted Export Assistance Program, I say to the Senator, we now export in high-value products, what we call further-processed products, $19.5 billion a year. That is a 75-percent increase since the program was started in 1985.

Now, you add it up, I say to the Senator. The country is in a recession. Governor Clinton talks incessantly about jobs. People on this floor on both sides of the aisle talk incessantly about jobs.

I just got through telling you that for every $1 billion we export in these high-value products, we create 38,000 jobs. What does it cost? Listen to this. We are putting $200 million in this program this year and the Department of Agriculture says—they cannot say with certainty—that generates $400 million. Let me put it another way. That generates $2 to $7 for every dollar we put into it. Let us just assume that for every dollar we put into it, it generates $5. For $200 million, we will have generated $1 billion in exports and created $38,000 jobs. You tell me, I say to the Senator, where else in the U.S. Government you can create 38,000 jobs for $200 million.

Now, Mr. President, we have cut the program some. The House, as my father used to say, cut the whey out of it. They cut it to $75 million for 1993.

Now, I rise to say, so far as those foreign companies getting the benefit of this, of all the billions we have put into

this, they got $43 million, but that is not just a bunch of foreigners ripping off the U.S. Government. This is foreign companies which participate by buying our commodities—our commodities, not theirs.

And so, Mr. President, this program maybe has not been managed quite as well as it ought to be. I have seen a couple of negative stories about it. But I can tell you I just gave you the proof of the pudding—$19 billion in high-value products being exported in 1991 and a lot more in 1992 because of this program.

And Secretary Madigan, let me say to my colleagues on this side of the aisle, your Secretary of Agriculture, has sent me a letter strongly urging us to fund the full $200 million and sending out many of the statistics I just gave you, and more.

So, Mr. President, the Senator from Nevada knows that I cherish his friendship. I consider him a very valued friend. But I consider him dead wrong on this amendment.

I know where you can get the emotion aroused on things like this, but the truth of the matter is when you can get this kind of bang for the buck and you want to help Boeing Aircraft, McDonnell Douglas, you want to help everybody in the world, but when it comes to helping exportation of farm products in this country, trying to get the product at a level farmers can stay on the farm, somebody raises the specter of $43 million going to some foreign company, and they are buying our products. God bless them.

I yield the floor.

Mr. SEYMOUR addressed the Chair.

The PRESIDING OFFICER (Mr. HARKIN). The Senator from California.

Mr. SEYMOUR. Mr. President, Senator BRYAN had about convinced me in his presentation that this, indeed, was corporate welfare. But I know better than that. And Senator BUMPERS, with his distinguished presentation, I think underscored some very important points to consider before we pull the rug from under one Government program that makes money.

How can the Market Promotion Program be called a corporate welfare program, or a program that any political leader with any guts would take on and eliminate, if in fact it is a Government program that makes money.

I guess I have to start, Mr. President, by going back to the time when I was mayor of the city of Anaheim, home of Disneyland. Our business was conventions, tourism. When I was elected mayor, I promised the constituents I was going to run a lean, mean machine. We were going to have a tight budget. We were going to place a limit on taxes; in fact, we were going to cut taxes.

Along came a program to promote tourism in the city. I said, no, that is another bureaucratic waste. They said: You might know the real estate business, John, but let us show you a little bit about tourism. What they showed me was that for every dollar we put in as a city, $8 would come back into town through more tourists, more conventions, more hotel revenues, and more retail sales.

So when I became a legislator in the California State Legislature, I supported a tourism program on the State level. And, Mr. President, I support it on the Federal level as well. This is a return on the taxpayer's buck. The MPP is no different.

Senator BUMPERS has indicated some criteria as to how he sees the return. Let me share it from my viewpoint, California's viewpoint. By the way, Mr. President, although I tout tourism in California, and it is indeed very important to my State, that is not its No. 1 industry. The No. 1 industry in California is agriculture. It is larger than in any other State in the Nation. California agriculture is the breadbasket of the United States. Let me tell you what the Marketing Promotion Program has done for California products—for jobs and for California's economy.

California table grape growers have participated in the MPP since 1985. Since that time, their export value has increased 232 percent. Their export volume has increased 208 percent. That did not just happen. That takes a lot of promotion.

We hear a lot of talk in this Chamber about protectionism, isolationism. We have to protect our jobs. We have to protect our industries. We are getting ripped off by our foreign competitors.

Mr. President, the MPP increases agricultural exports, creating jobs and benefits the entire U.S. economy. Why would we cut it by $100 million dollars as the Senator from Nevada proposes.

Let's consider several other California commodities. California almond growers have achieved remarkable success in Japan by matching MPP funds to promote and advertise California almonds in Japan. MPP funding has opened up an additional 94 foreign countries for California almonds. Prior to 1984, California raisin exports were at levels of approximately 50,000 tons per year. Since the industry began participating in the MPP, it has grown significantly over the past 7 years. The raisin industry's annual export shipments have increased from 66,360 tons to 111,946 tons in 1991. That did not just happen. Sure, we have a good product, but it did not just happen. You have to sell it. And you have to overcome a hostile market environment.

My point is, Mr. President, this is a program that returns revenues to the Treasury. It does not take revenues from the Treasury. The MPP creates jobs, not just on the farm, but in numerous other sectors as well, throughout California.

The Senator from Arkansas said the MPP is directly tied to at least 38,000 jobs. He is right. That is 38,000 jobs. But I see even more jobs than that in the MPP. USDA estimates that U.S. agricultural exports, in total, provided more than 1 million jobs in the United States in 1990—jobs in processing, packaging, transportation, and other services—and more than half of those jobs, Mr. President, 52 percent to be exact, came from high-value exports. That is what we are talking about—high-value exports. That is California's niche in the international marketplaces—high-value exports. Avocados, walnuts, pistachios, strawberries, wine, oranges, cotton, kiwifruit, I could go on and on.

So when Senator BUMPERS talks about our competition in Europe, he is right. They have subsidies. They have subsidies that are extraordinarily high. As much as $1.5 billion annually. Our way of competing in that marketplace is not to provide a direct subsidy but to provide some market assistance to sell the product. And it works. The MPP works.

It has also been stated, Mr. President, that there are some MPP funds sometimes used for promotion of U.S. commodities marketed under foreign brand names. That is true. But what is not told is that by marketing under those brand names, those companies must use U.S. commodities. Ultimately we are promoting U.S. agricultural products.

This is a value program. I think it would be a very serious mistake to reduce this program to the level reduced, to $75 million, in the House.

So I argue that when the motion is appropriate, I look to leadership to offer a motion to table the Bryan amendment. I urge my colleague to support the export of high-value agricultural commodities, the creation of thousands of jobs by supporting the MPP.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

ORDER OF PROCEDURE

Mr. BUMPERS. Mr. President, I was just wondering if we might enter into a time agreement here on these amendments, and give everybody a pretty good idea as to when they can expect to get home tonight.

Would the Senator from Nevada be willing to enter into a short time agreement?

Mr. BRYAN. The Senator from Nevada would be willing to do so.

Mr. BUMPERS. Before asking the Senator to do that, how much time will the Senator from South Dakota need?

Mr. DASCHLE. The Senator from South Dakota needs 10 minutes.

Mr. BUMPERS. The Senator from Arkansas [Mr. PRYOR].

Mr. PRYOR. Let me say to my colleagues that Senator BUMPERS has

done an eloquent job in speaking against the amendment offered by our friend from Nevada.

I think I will take no more than 1 minute.

Mr. BUMPERS. Mr. President, I wonder if we could agree to a 30-minute time agreement equally divided, and on this side we will allocate the 15 minutes under my control and Senator COCHRAN's control if it is agreeable.

Does he have people on his side who wishes to speak?

Mr. COCHRAN. If the Senator will yield, we do have a couple of requests for time over here; maybe up to 15 minutes.

Mr. BUMPERS. That is going to require an hour, equally divided then, because we have the distinguished Senator from Iowa who would like 4 minutes, Senator PRYOR wants 1 minute, Senator DASCHLE would like 10 minutes, the Senator from Nebraska, 3 minutes. Maybe we could agree, at least tentatively, that we could yield some time back.

I ask unanimous consent, Mr. President, that we have 1 hour and 10 minutes, equally divided, between the distinguished floor managers and the Senator from Nevada, and that no second-degree amendments be in order.

The PRESIDING OFFICER. Is there objection?

Mr. PRYOR. Mr. President, reserving the right to object, I do not intend to object. Inasmuch as we are approaching the possibility of a time agreement on this amendment, the amendment offered by the Senator from Nevada, is it possible we could consider time agreements on future amendments?

Mr. BUMPERS. I hope we can get agreement on this, and then go the remaining two or three other amendments.

Mr. PRYOR. We might get an idea on when we might get out of here.

Mr. BUMPERS. Could we get a ruling from the Chair on this unanimous-consent agreement?

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be allowed to propound a unanimous-consent request without the time being charged to either side.

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

Mr. BUMPERS. Mr. President, the distinguished Presiding Officer, the Senator from Iowa, has an amendment. I would suggest a 20-minute time agreement with the time equally divided.

I ask unanimous consent that that be the order.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. And that no second-degree amendments be in order.

Mr. BROWN. Reserving the right to object, would the distinguished Senator repeat this unanimous consent?

Mr. BUMPERS. The unanimous-consent request is that the amendment of the Senator from Iowa, who has an amendment dealing with travel expenses of the Department of Agriculture, be given 20 minutes with no second-degree amendments in order, 10 minutes equally divided.

Mr. BROWN. I thank the distinguished Senator.

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

Mr. BUMPERS. I thank the Chair.

The Senator from Colorado, according to my notes, has three amendments.

Am I correctly informed?

Mr. BROWN. The Senator is correct. One of them I will withdraw.

Mr. BUMPERS. Which one is that?

Mr. BROWN. The one regarding the elimination of unauthorized research projects I will not offer at this time.

Mr. BUMPERS. How much time does the Senator wish to make a presentation on that?

Mr. BROWN. I will not require any time to make a presentation on that. The two other amendments—one involves fulfilling a study, and was included in our budget resolution.

Mr. BUMPERS. Does that deal with CBO and OMB?

Mr. BROWN. It does.

Mr. BUMPERS. How much time?

Mr. BROWN. I would be happy to agree to 2 minutes.

Mr. BUMPERS. On the Senator's amendment regarding information exchanged between CBO and OMB, I ask unanimous consent for 2 minutes, equally divided, with no second-degree amendments.

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

Mr. BUMPERS. Finally, the Senator has an amendment to eliminate the honey program?

Mr. BROWN. Yes. I do not anticipate that it would require a long debate. This body has considered it before. I would prefer not to go with a time limitation at this point, not knowing what might be raised. It may be that it is agreed to unanimously.

Mr. BUMPERS. Does the Senator not like little honey bees?

Mr. BROWN. I mention to the distinguished Senator I am merely trying to implement the proposal of the distinguished Governor from Arkansas.

Mr. BUMPERS. You should get unanimous support on this side. Why do you not want to enter into a time agreement?

Mr. DASCHLE. If the Senator will yield, there is at least one Senator who does not share the Senator's view, unless he is willing to increase it. Short of that——

Mr. BUMPERS. Honey bees have their proponents and opponents.

Mr. DASCHLE. If he intends to eliminate the program, I share the Senator's view that a time agreement would not be in order.

Mr. BUMPERS. Mr. President, according to my notes—and I believe they are correct—we now have a time agreement on all of the remaining amendments, which will take us to about—I am sorry. We have another amendment by Senator GRAHAM of Florida, and he is not on the floor. Perhaps Senator GRAHAM is watching and he will come to the floor.

Mr. BRYAN. Mr. President, if the Senator will yield, the Senator from Nevada has one additional amendment, on which I am happy to enter into a time agreement of 5 minutes for each side. This will simply be an amendment that would limit this MPP program to American companies, thereby excluding the trade organizations or entities that are in part or in whole owned by a foreign national.

Mr. BUMPERS. I hate to do this, but I feel constrained to advise the Senator that that amendment is not on the agreed list.

Mr. BRYAN. We were adivsed that it was at the time we submitted this to the cloakroom earlier this afternoon. If that did not occur, may I say, with respect to my distinguished friend, this is not something that was not discussed with them.

Mr. BUMPERS. The Senator is free to propound a unanimous-consent request to offer the amendment. I personally would not object. The Senator knows I will be happy to accommodate him. It is not in the order.

Mr. BRYAN. I will do so. Mr. President, I ask unanimous consent that the amendments which are eligible to be considered be expanded to include the amendment which I have just described, and that it be subject to a time limitation of 5 minutes on both sides.

Mr. COCHRAN. Reserving the right to object. Mr. President, nobody wants to prevent the Senator from offering any amendment he would like to offer. Obviously, that is germane to this bill and relevant to the issues we are discussing here.

This amendment is not protected under the unanimous-consent agreement that was worked out earlier in the day. Senators were given notice, if they had amendments, to submit them and be listed; and if it is not on the list, I hope that the Senator will not insist on offering that amendment. There is an MPP amendment described as being offered by the Senator from Nevada. It was the impression that this Senator had—and I am sure others, too—that the amendment pending before the Senate was the amendment contemplated in that order, and no other.

Mr. BRYAN. If I may respond, it is certainly not the intent of this Senator to delay further consideration. This is

not offered by way of delay. Perhaps there was a miscommunication or misunderstanding. This Senator was under the impression that that amendment had been discussed, it was on the list and, if it was not, I am certainly not suggesting that there is anything other than inadvertence, or a failure of communication, perhaps on our part, or by those with whom we communicated.

Mr. COCHRAN. Mr. President, let me suggest another reason for my raising the reservation, if I may further reserve the right to object. The amendment described by the Senator from Nevada is not an amendment to either add or delete funding to the bill. It is legislation that describes the eligibility for benefits under a program funded under this bill. The order that was entered into, as I read it, waives second-degree amendments, or prohibits second-degree amendments, and in other ways limits the rights that other Senators might have to confront the effort that the Senator is attempting to make in the amendment he describes.

So I hate to object to the amendment, but I will be constrained to do so if the Senator insists on trying to offer an amendment that amounts to legislation on this appropriations bill relating to eligibility funding under that program.

Mr. BRYAN. The Senator certainly made himself clear, and I understand his position. The Senator from Nevada was under the impression that this had been considered and was a part of the unanimous-consent agreement. I accept responsibility, as each of us do, if that were not the case. I apologize to the floor manager. It is not my purpose to delay the proceeding. It ought to be clear to my colleagues that this is an issue I feel very strongly about, recognizing their right to disagree. This was certainly part of the amendments we had proposed. And, again, I understand the Senator's position.

I renew my unanimous-consent request, and I understand the position my colleague and friend has taken.

Mr. BUMPERS. Has the Senator renewed his request?

Mr. BRYAN. The Senator has.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time?

Mr. BUMPERS. Mr. President, I yield 10 minutes to the distinguished Senator from South Dakota.

Mr. DASCHLE. Mr. President, I thank the Senator for yielding, and I appreciate his statement.

Mr. BUMPERS. If the Senator will yield, I will announce to my colleagues that Senator GRAHAM of Florida had an amendment, and that has been withdrawn. I also hope we might be able to yield a little time back and get out earlier than anybody expects.

Mr. DASCHLE. Mr. President, I may not need the full 10 minutes, because so much of what has been said are points that I felt were important that we raise, as we consider the amendment of the distinguished Senator from Nevada. As the distinguished Senator from Arkansas has indicated, he is a very respected colleague and one for whom I have a tremendous admiration and respect. I happen to differ on this particular issue with him for a number of particular reasons. I must say that I have been one of those who has criticized this program in the Agriculture Committee, and in letters and in comment directly to those officials administering the MPP.

There is no question but that this program can be improved upon. There is no question that in the last couple of years the administration of this program has raised questions. But there is also no question, in my view, that this program is extremely important to agriculture when it comes to our opportunities for trade.

There can be no mistake about it, that as we look to options, as we look to the tools available to us, there are very few that we have today in agricultural trade and in the international markets that have the potential that this program has.

The United States is getting beaten, Mr. President, when it comes to international trade. It is beaten year after year. And for good reason—because our competitors, the Europeans, the Asians, the Australians, and the Canadians, all understand the importance of the export market far better than we do. We really have two choices. Our first choice, of course, is the bulk market, the raw commodity market.

Our other choice is the value-added market. The United States has always been one of the leaders when it comes to the bulk market, the raw commodity market. We have been the real Kmart of the world when it comes to providing cheap priced raw commodity products to anybody that will buy them at bargain basement prices.

But you ask our experts what plan, what strategy we have to ensure that we get into the market where the real profit is, the value-added market, and I have to tell you, one after one, before the Agriculture Committee and here on the floor and everywhere else, they tell you: We do not have a strategy. We hope in some way that the meager amount of money that we put into the MPP will provide us with that strategy, will provide us with an opportunity to get into those markets where we belong in the future.

Since 1983 the global trade in the value-added market has exploded. We have seen a 57-percent increase in that particular market, while the trade in raw commodities grew by only 4 percent.

We have seen a tenfold increase over the raw commodities market when it comes to value-added products; more than a tenfold increase over the raw products. And yet, all we have to promote value-added markets today, all we have to get into that niche where we really see some return on investment, is this meager amount of money that we are spending through MPP.

In 1989, high-value products accounted for almost 75 percent of world agricultural trade. Today, the value-added sector is a $140 billion market.

High-value products, such as wheat flour, vegetable oil and red meat, provide greater benefits to the exporting nation than raw commodities because value-added processing stimulates economic development, creates jobs and raises government revenues. Every dollar received from agriculture exports stimulates another 1.51 dollars' worth of business activity for the rest of the economy. But all agriculture exports are not equal. Selling a ton of corn overseas does not create the same benefit for the American economy as selling a ton of red meat; selling a ton of wheat does not generate as much economic activity as selling a ton of wheat flour.

During the 1980's, as the value-added market grew, the United States' share of the market stayed relatively constant, at about 8 to 9 percent. The EC, on the other hand, recognized early the opportunities in value-added markets. Today, the EC countries control a 50-percent market share, commanding $70 billion in value-added agricultural trade last year.

The value-added market is expected to grow through the nineties at 8 to 10 percent annually. If current trends continue, by the year 2000, if nothing changes, the EC will control 50 percent of a $250 billion market, while the U.S. share will be about 10 percent at $25 billion, hardly enough to cover the potential declines in trade revenues from raw commodities and to provide growth for the American agricultural markets.

So as I say, Mr. President, the real future for agriculture, if we are going to find a niche, if we are going to see the growth and development of new trade markets in the international sector, the only option for us is the value-added market.

Our trading partners subsidize their agricultural exports. We recognize that. The MPP is an important tool for ensuring that American producers have a share of the same market.

With all the array of tools that they have, if they use them to the degree that they have already indicated an intention to do so, we have no other option but to use the MPP and the few resources that we do have available to us to ensure that we do not give up the market entirely.

The market for value-added agricultural products is a future battleground

in the global economy. Our trading partners subsidize their agricultural exports. The Market Promotion Program is an important tool for ensuring American producers a share of that highly competitive market. To enter the international market without such a program in my view, would be analogous to unilateral disarmament for America's agricultural producers.

In 1990 the European Community subsidized high valued agricultural exports with at least $1.5 billion. Our commitment pales by comparison. And as the Senator from Arkansas indicated, the elimination of MPP may cost us as much as 38,000 jobs and over $2.23 billion worth of domestic economic activity.

So if we reduce our commitment to MPP—I hope everybody understands the consequences; I hope everybody realizes what it is we are talking about here—that we really do risk falling further behind in the fight to establish our overseas markets; that we give up that one opportunity to become aggressive, to become competitive, to understand the importance of return on investment.

The House has already voted to cut the program from $200 million to $75 million. The Senate bill reported by the Appropriations Committee would cut the program to roughly $175 million. Even if we vote to support the funding level in the Senate bill there is no question that MPP is still vulnerable to even greater cuts when we go into conference with the House.

The critics of MPP take great pains to highlight abuses of the program. Large corporations and foreign companies have received assistance from MPP. We recognize tighter oversight and reform of the program is clearly needed, but we are doing it.

We recognize that we have to ensure greater oversight, but we are doing that. We also have to realize, Mr. President, that to cut back on the resources, to go beyond those reforms that we are now demanding, to go beyond the oversight that we are now requiring, would do an extraordinary injustice to American agriculture.

What we hear very little about are the benefits that have accrued to smaller businesses and producers who desperately need help in penetrating the world market. MPP funds are used to partially reimburse program participants to help them execute marketing plans that have been submitted to USDA. For every dollar spent under MPP, the U.S. Department of Agriculture has documented that sales of agricultural products promoted with MPP funds have increased $2 to $7 on average. That translates to $400 million minimally and perhaps up to $1.4 billion worth of additional exports every year. So for $175 million, Mr. President, we may be generating $1.4 billion in return on that investment. These are sales that, for the most part, would not have been realized without assistance from MPP.

The answer to problems with MPP is not to destroy the program through the appropriations process, but to address the failings of MPP through tighter guidelines.

Over the past year, USDA has instituted a number of management changes to make the program more efficient. If problems persist, the Agriculture Committees will consider changes in the program to address issues raised by critics, rightfully so in many cases. These changes could include: increasing the regulatory requirement for U.S. content in promoted products; improving auditing procedures; means-testing for participants; capping the annual funding for participants; and graduating participants, if it may be necessary.

Under the 1990 farm bill, USDA is directed to develop a long-term trade strategy. This strategy will guide USDA trade programs for the future. I am afraid to see what this strategy will look like without a viable MPP.

So, Mr. President, tonight I urge my colleagues to reject the amendment offered by the distinguished Senator from Nevada; to recognize the importance of this small program; to recognize the importance of agricultural trade; to recognize the importance of the contribution of agricultural trade to our deficit and our balance of payments; to recognize that ultimately, our future lies in marketing—not in farm programs that ultimately may be eliminated entirely. This may be one of our few real hopes of securing the kind of agricultural competitiveness that we want so badly.

As we face the challenges in GATT, as we face the challenges in the North American Free-Trade Agreement, as we face continued pressure on the part of the EC, and a lot of other efforts posed by competitors today, it is all the more important that we realize the importance of this program and the importance of its retention.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. COCHRAN. Mr. President, on behalf of the managers, I yield to the distinguished Senator from Alaska 5 minutes.

The PRESIDING OFFICER. The Senator from Alaska is recognized for 5 minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, one might wonder why the Senator from Alaska would involve himself in agricultural matters. But I think it is important, as we look upon our seafood industry as agriculture from the sea—renewable resources in the same sense that production from farms throughout the Nation is renewable.

Mr. President, in a perfect world, we would not be debating the merits of cutting of the MPP program. But in order to make our products competitive, clearly we have to enter foreign markets on the same basis as foreign products in those markets. This amendment suggest a substantial reduction from $170 million to approximately $75 million; a cut of $100 million, or thereabouts.

The consequences of this for fish products, I think bears some examination. Since 1989, in our State of Alaska, salmon exports to the United Kingdom have increased some 210 percent through the MPP-funded program.

Last year alone, the market share for canned red salmon increased from 44 to 52 percent. One might wonder, Mr. President, what the competition is. The competition comes in from Chile and Norway, which have increased their participation in the world market as a consequence of government assistance.

In France, to give another example, the MPP-funded program, in mid-1991, allowed one distributor of Alaska fish to triple his sales despite heavy competition from subsidized Norwegian fish.

You will note, Mr. President, that I use the word "subsidized." That is what we are faced with—the reality that other nations are prepared to subsidize their agricultural and fisheries products to get them into the world market. If we are going to be competitive, we are going to have to meet their efforts with clear vision.

I think it is also important to note that, if we look at where we would be without this assistance, we realize that a number of jobs would be lost if the amendment passes.

I have seen estimates that the return on our investment in this program is at least three to one.

Well, if you recognize the number of jobs that are created and the offset to the balance of payments shortfall which our exports provide, and you realize the significance of this amendment. In addition, most of these activities involve small businesses. As a matter of fact, a majority do; 84 percent of the firms getting MPP funds last year were small businesses.

Now, the reality is that without this assistance, we simply cannot be competitive. If we could—through our trade negotiators—abandon all types of government assistance and promotional programs or subsidies throughout the world, then, indeed, we would be on an equal playing ground. But that is not reality.

If we abandon this type of promotional program, we are not going to be competitive in the world market. The return on our investment in the MPP program, this Senator from Alaska thinks, is justifiable. Because, Mr. President, we have to recognize that

there are other nations, particularly the emerging nations, that are developing their ability to compete. Their costs are lower. And when they put the full faith and credit of their Governments behind subsidies, we are clearly at a disadvantage.

Mr. President, we also must recognize that this has been a very successful program in the past. It has been used by over 61 organizations and 400 companies. It has made a great contribution to the U.S. agricultural exports which are one of the few bright spots in our trade picture. And I am interested because seafood from Alaska, salmon in particular, is a leader in that regard. We produce 31 percent of the world's supply of salmon.

The reality is that we are able to produce more by our technology, by our agriculture, and in our pristine waters. As a consequence, given the opportunity, we can be competitive in this international marketplace against the countries whose producers are enjoying the subsidies.

Mr. President, I thank you for the allotted time, and I urge my colleagues to reject the standing amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. Mr. President, how much time does the Senator from Nebraska wish?

Mr. KERREY. Three minutes.

Mr. BUMPERS. I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. KERREY. Mr. President, I rise in opposition to this amendment. I would like to make a couple of points.

First of all, this is an effort to create the promotion of jobs in this country. This is a jobs issue. The idea of value added is translated in American communities, in communities like the State of Nebraska, into real job opportunities. About 8 percent of the people in the State of Nebraska actually work on farms and ranches today. It is down substantially from 1980. And, increasingly, our people on the farms turn to value-added operations, such as the one the MPP program promotes, to find employment.

And the idea of needing to stay competitive with other countries, that point has already been made, I believe, rather eloquently by the acting chairman of the subcommittee as well as by the distinguished Senator from South Dakota.

To those who are wavering, perhaps, as to whether or not to vote for this as an item of Government efficiency, I should point out the distinguished Senator from Nevada has made some valid points. Indeed, the General Accounting Office report that describes this program says that:

> Based on our review of the marketing activities in 12 foreign countries, representing 65 percent of worldwide high value exports, we found that foreign competitors conduct market development through centralized marketing organizations, independent marketing boards, and various combinations of public and private sector institutions.

It goes on to say:

> Although we found that most foreign competitors we reviewed spend less on high value market development than the United States, some spend their funds in a highly targeted manner, using an integrated marketing approach, which starts with identifying customer needs and moves to the producer who strives to satisfy that need. The Department of Agriculture has invested large sums in foreign market development in recent years but the primary responsibility for conducting foreign market development activities remains with selected private sector associations.

The danger with the MPP program, as well as other efforts we have had with USDA, is that our administration has said essentially we are going to let our own customers make up their own minds; we are not going to interfere with it. We are not going to try to promote pork. We are not going to try to promote soy oil. We are not going to try to promote anything. We will just let them make up their own minds while the competitors are targeted.

For those who are wondering why we on the committee had made an effort to accommodate these kinds of concerns, I assure you we are concerned. Many of the points raised by the distinguished Senator from Nevada are addressed in the report language of this bill: Requiring the U.S. Department of Agriculture to make sure that we are not only targeting this investment but putting the money into smaller companies and making sure that we do not sustain these investments over a long period of time; that corporations are not, once they are provided with a subsidy, kept on subsidy for a long period of time and making sure that large multinational corporations do not merely abuse the intent of this effort.

I urge my colleagues to examine the report language. It is an attempt on the part of the committee to accommodate the concerns raised by the distinguished Senator from Nevada.

I see the Chair is saying my time is up. I urge opposition and defeat of this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. BROWN. I ask for 3 minutes from the distinguished Senator from Nevada.

Mr. BRYAN. I yield the amount of time the Senator from Colorado requested.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. BROWN. Mr. President, I will not belabor our deliberations here. We have heard a number of speakers extol the virtues of the program and imply that the reason we are able to export products from this country is because we have the Government subsidy.

Mr. President, if any Member of this body believes that, indeed, they ought to vote against the distinguished Senator's amendment. If the reason we can sell products abroad depends mainly or primarily on the Government subsidizing them, then, indeed, they will find this program attractive.

I must say, I personally have great affection for the people involved in this. I have some association with them and, I suspect, more experience in the industry, in this particular end of it, than any Member of this Chamber. So, if there is an area you wish to subsidize, you could not find nicer people to subsidize and hand money out to.

But let me simply add another word from one who knows something about promoting and selling products overseas or someone who has done that particular function, for someone who understands what is involved here. This is not a particularly efficient way to promote products.

Our products are sold overseas because they make sense, because they are cost-effective, and because they provide the quality that others do not. They do not sell overseas because of subsidy. They sell because of their attributes and because they are competitive. For those who do not believe that I would recommend very highly an opportunity to work in the industry and find out what the real world is all about.

Second, the suggestion that the way to promote products overseas is to subsidize the promotion cost misses the point. What that does is lower the cost of promotion. It does not necessarily—not necessarily—make the product far more salable. And if the purpose of this, this basic program, is to stimulate interest in exports, that can be done much more efficiently through tax credits that provide a much less costly way of doing it and a much stronger incentive.

What we have done with this amendment is simply reduce the cost of providing promotion. That may well be an inefficient use of resources. It may well not provide the incentives we need.

The bottom line is this. This country has a problem with the deficit. If you want to throw money away, this is a good program that goes to good people and I suggest we keep it, but if you are interested in bringing the deficit down and you are willing to fight the deficit in every area, this is an area in which we ought to save money.

Mr. DASCHLE. Mr. President, the Senator from Arkansas has delegated me the responsibility of offering the Senator from North Dakota 3 minutes.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 3 minutes.

Mr. CONRAD. I thank the Senator from South Dakota and the chair of the committee.

Mr. President, the simple question before us is why do we subsidize the marketing and promotion of our products? Mr. President, there is a very simple answer. We do that because our competition does. We are in a trade war with Europe and we seem to be blissfully sleeping through the competition and the assault of that competition and the results that they are achieving.

Our European competitors are subsidizing agriculture at 10 times the rate the United States is—10 times the rate, over $140 billion a year. The result is very clear. Our European friends have gone from being major importers to being exporters in 10 short years.

Europe has a plan and a strategy. The plan and the strategy is to dominate world agriculture, and they are doing it the old-fashioned way. They are doing it through a merchantilist economic policy. They are subsidizing agriculture by insisting on increased prices from their consumers. They then get additional production from producers. They take that additional production and they put it on the international marketplace at fire sale prices and they increase their world market share. That is precisely what is happening.

The result is, if we allow this to continue the Europeans' plan will succeed. Their plan is very simple and very direct. It is to gain world market share because they believe at some point in this trade war, there will be a cease-fire. They believe it will be a cease-fire in place and they want to occupy the high ground.

The choice for this body, the choice for the other body, and the choice for this country, is whether or not we want to engage in this trade war with an attempt to win by the United States, or whether we want to roll over and play dead and let them take over.

It will be the mistake of our economic lives if we give away world agricultural markets which the United States has dominated for 100 years.

This is a small part of the overall battle plan but we would be foolish to engage in unilateral disarmament when our friends are waging an all-out assault on America's position.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. BUMPERS. Mr. President, I think the people who wanted to speak on our side have either spoken or are not on the floor.

Is the Senator from Nevada prepared to use additional time at this point?

Mr. BRYAN. Mr. President, responding to my distinguished colleague, if he is not ready, or those who are opposed to the amendment are not, I suggest the absence of a quorum at this time and that we charge the time equally to both sides.

The PRESIDING OFFICER. Is there objection? If not, the clerk will call the roll.

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

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

Mr. COCHRAN. Mr. President, may I inquire of the Chair how much time remains on each side?

The PRESIDING OFFICER. The managers have 10 minutes and 30 seconds.

Mr. COCHRAN. Mr. President, how much time does the——

The PRESIDING OFFICER. The Senator from Nevada has 31 minutes.

Mr. COCHRAN. Has 31?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. BRYAN. Will the distinguished Senator yield for a moment?

Mr. COCHRAN. I am happy to yield.

Mr. BRYAN. I assure the Senator it is not the intention of the Senator from Nevada to use all of that 31 minutes. The Senator is trying to get some sense of how much time it will take. I think the Senator from Nevada will probably need no more than 10 minutes at the outside.

Mr. COCHRAN. But as I understand it, the Senator does not intend to use his time at this time? Is the Senator trying to reserve all his time until the opponents of his amendment have used all their time? Is that the purpose?

Mr. BRYAN. That would be the purpose of the Senator, yes.

Mr. COCHRAN. Not going back and forth from one side to the other?

Mr. President, if there is no objection from my distinguished colleague from Arkansas, I would like to make a few comments about the amendment and why it is necessary to oppose the distinguished Senator's amendment. I yield myself what time I may consume.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Back in June I inquired of the Secretary of Agriculture, about the request for $200 million for this market promotion program which had been submitted with the President's budget. As Senators can tell by now, the House provided only $75 million in its bill for the program. The Senate on the other hand, is being asked to appropriate—or they were when the bill was first developed by the subcommittee—about $180 million for the program for the next fiscal year.

So our committee had reduced the President's request about $20 million in a program that has proven to be very helpful and workable in terms of building market demand overseas for U.S. farm-grown commodities and products. That is the purpose of the program. It originally was in the 1985 farm bill as the Targeted Export Assistance Program, designed to deal specifically with unfair trade practices of foreign competitors.

It worked. It worked so well that the administration came in with its request, after that period of time and the experience we have had, and asked for the $200 million level of funding.

One reason it has worked, I think, is proof of the competition that we are seeing with respect to the European Community. The distinguished Senator from North Dakota pointed out how the Europeans have gone aggressively out to capture the world market in high-value agriculture products; 80 percent of the money that would be appropriated in this account goes to help create market demand in overseas markets for high-value U.S. agriculture commodities. That is where the growth is in the agriculture markets overseas.

So it is targeted for that purpose. And you are looking at what we are confronted with when you realize that the European Community in 1990 spent $1.5 billion trying to capture the world market in these products; $1.5 billion compared to the $175 million, roughly, that is still left in this bill. And now we are being asked by this amendment to take another $100 million out of that account. Not to spend it on anything else, just cut that account.

I hope the Senate will not approve this amendment. We have fought as hard as we can to stand up for U.S. farmers in the international marketplace. This is one of the tools we are using. We are now negotiating in the Uruguay round of GATT to try to make sure that the playing field is going level, that we are going to be treated favorably, that our exporters and farmers are not singled out for punitive treatment by foreign competitors in the international agriculture marketplace. And at this time, as we are trying to move toward an agreement in the Uruguay round, we are now being asked in this amendment to take away one of the most valuable and effective tools that we have to work with our exporters and farmers to protect their interests in the international market.

I hope Senators will look very carefully at what they are being asked to do in this amendment.

When the time has either been used or yielded back, it will be the intention of the managers to move to table the amendment. I hope the Senate will agree to table this amendment.

Mr. President, I ask unanimous consent that a copy of the letter I referred to from the Secretary of Agriculture 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 AGRICULTURE,
*Washington, DC, June 23, 1992.*

Hon. THAD COCHRAN,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR THAD: I would like to take this opportunity to urge strongly that Congress continue funding for the Market Promotion

Program (MPP) at the $200-million level provided in the President's FY 1993 budget. All the statistics we have about U.S. agricultural exports and all the current trends in global agricultural trade suggest that a cut in funding for the Department (USDA) Market Promotion Program at this time would be short-sighted.

High-value products constitute the fastest-growing component of the world's agricultural trade and by the end of this century are expected to represent at least three-quarters of world trade. In other words, the high-value market is where future growth will be for U.S. farmers and exporters. More than 80 percent of MPP funding is targeted toward building exports of high-value products.

If Congress were to reduce funding for the MPP now, it would seriously jeopardize the ability of U.S. agriculture to compete in this vibrant sector of world trade. The European Community (EC), our main competitor in the high-value market, paid out direct subsidies of nearly $1.5 billion to producers and exporters of high-value products in 1990. In addition, the EC and member governments also offered their exporters many other indirect subsidies. USDA's $200-million annual program level for MPP pales by comparison, but it has been sufficient up until now to help U.S. farmers and exporters boost their exports of high-value products. Such exports have risen 75 percent since 1985, reaching a record-high $19.9 billion in 1991, with another record forecast this year.

The MPP also helps support the creative market expansion work conducted by bulk commodity producer organizations to convince potential customers of the quality attributes, new uses, and superior advantages of U.S. farm products.

U.S. agricultural exports generated as a result of the MPP are directly responsible for as many as 38,000 jobs on and off America's farms and represent as much as $2.23 billion in additional activity for the U.S. economy.

The MPP has had its critics however, and I would like to address some of the main points of controversy surrounding the program.

Some have claimed the MPP has not really worked to help small exporters. This is not true, however. Small businesses accounted for 84 percent of the 287 firms participating in the MPP last year. The goal of the MPP is to increase agricultural exports as much and as effectively as possible. Thus, neither the law or USDA discriminates by size of company or type of ownership.

Some critics believe the U.S. Government has no business promoting branded products. The MPP however, promotes American food and farm products, not American companies. It is a fact of life that, if we are going to promote high-value-product sales, we are going to have to promote branded products. Two-thirds of the world's high-value-products trade consists of processed items; virtually all of these are produced by branded companies.

An exclusive focus on unbranded activities runs the risk that generic demand can be met by a non-U.S. supplier with a less expensive, lower quality product. For high-value commodities, U.S. taxpayers may get a better return on their investment with branded promotions which build consumer loyalty to a product containing American rather than foreign commodities.

Others have asserted that tighter management controls by USDA would allow the MPP to be operated with less money. In reality, both USDA and participants have a vested interest in running the MPP as effectively as possible because both have substantial sums of money invested.

The Department takes its role as guardian of the taxpayers' money very seriously. In the last year, we have put in place new allocation criteria that targets MPP funds so as to receive the "biggest bang for the buck." We are not renewing programs that have proven not to be cost effective or that have reached a plateau. We require all participants to submit comprehensive strategic marketing plans and to evaluate the effectiveness of every promotional activity. All participants are subject to full, top-to-bottom audits. Finally, we have published detailed regulations to which all participants must adhere and made other substantial changes to tighten management controls.

MPP participants also have a stake in efficient program management since they are required to invest their own money in MPP projects. In the case of branded promotions, participants are required to put up at least half of the cost of the MPP activity.

I appreciate this opportunity to set the record straight on what the MPP really means to U.S. agriculture and U.S. business. Once again, I urge that Congress maintain its commitment to expanding U.S. agricultural exports by supporting the currently authorized $200 million program level for MPP.

Sincerely,

EDWARD MADIGAN,
*Secretary.*

Mr. COCHRAN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BRYAN. Mr. President, can I inquire how much time remains on this side?

The PRESIDING OFFICER. The Senator from Nevada has 31 minutes. The managers have 6 minutes.

Who yields time?

Mr. BRYAN. Mr. President, I suggest the absence of a quorum, charged equally.

The PRESIDING OFFICER. Is there objection? If not, the clerk will call the roll.

Mr. COCHRAN. I was not listening to the request. What is the request?

The PRESIDING OFFICER. Is there objection to the request?

Mr. COCHRAN. I object to it being charged to this side of the aisle. The Senator has asked our time be used before he uses any of his. Now he is putting in a quorum call and asks that it be equally charged to the managers as well as himself. I object to that.

The PRESIDING OFFICER. Objection is heard. Who yields time?

The PRESIDING OFFICER. If no Senator yields time, then time will run against both sides.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. BRYAN. Mr. President, I thought it would be the amendment of my colleague from Colorado that I understand we may debate next, the Honey Program, that might stir up the hornet's nest. I think we might have already done so with this amendment I have proposed. I know my colleagues who oppose this amendment feel very strongly about this program and I think that our debate this evening is instructive of how difficult it is going to be to address the budget deficit.

When I look at the programs that are affected by this $200 million program, we have beef, cotton, forest products, peanuts, poultry, soybeans, wheat, avocados, cherries, citrus fruits, cotton, dried beans, feedgrains, kiwi fruit, peaches, honey, pears, pistachios, plums, prunes, poultry, raisins, rice, strawberries, table grapes, walnuts, wine, and the list goes on and on.

I recognize that this cuts across a broad spectrum of the interest groups in America. But, Mr. President, may I simply indicate that I find an irony in the response of some of my colleagues. I have heard them with great eloquence on the floor of this Chamber to decry the role of Government, Government ought to get off our backs, I have heard them say. Government is too big, it is too intrusive, it is too expensive. Mr. President, this amendment provides an opportunity for our colleagues to provide for less Government, for less intrusive Government and Government that is less expensive.

I renew the position which I outlined during the course of my opening argument and that is, I do not oppose in principle a public-private partnership to assist in promoting the export of American agricultural products. What I do object to, Mr. President, is a program that is as unfocused and that is as poorly directed as this program is. It says to the American taxpayers, at a time in which all of us are going to be asked to make sacrifices, this has to come out of your pocket, you are going to pay for this program, and then we take a look at how some of these dollars are expended.

I joined with my able colleague and the distinguished senior Senator from Arkansas on a number of causes. He and I together have shared common cause in opposing the superconducting super collider, and I hope will be again this year on the floor of this body doing so. We opposed the expenditures for the Space Station Program, and I hope we will be there again this year. We have supported him on previous occasions when he has sought to reduce America's military commitment abroad in terms of the manpower and personnel that we have committed in Europe and the Far East.

So I respect him and admire the positions which he has taken, and I find myself pained to be in disagreement with him on this.

But I must say that of all of the arguments that have been advanced and in support of this program are distilled into two sentences. They are essentially that this program is necessary if

we are to compete and, finally, this program has been efficacious in expanding American exports. I want to take just a minute or two to examine these two premises.

Is this program necessary to compete? Let me just suggest that the way some of this money is expended, it is not directed, as my friends have argued, at some of the unfair competition we face in Europe. I am not unmindful of that. I am very much aware, as everyone in this Chamber, of the impediment to the Uruguay round of the GATT discussions which have primarily failed because of the insistence of European farmers that the high level of subsidies which have been talked about during the course of this debate continue, and I am supportive of efforts to reduce those subsidies so that American farmers can compete on more equal grounds.

But this program, Mr. President, is not confined to Europe. It has global implications. So I think the response to the argument that they must have this to compete is essentially flawed because the scope and reach of this program goes far beyond our competitive situation in Europe.

Second, it is argued that this is a program that has been helpful, it is efficacious to expand exports. Let me suggest that I think there is very little verifiable information to substantiate and authenticate that point. The General Accounting Office in their analysis provides some examples which reach a contrary conclusion, and I hate to pick on the California raisin program, but let me just cite for the benefit of my colleagues the California Raisin Advisory Board had targeted a goal to increase their exports by 2,000 short tons during the first year of the program. During that first year of the program, notwithstanding the allocation of money that they received, about $3 million, that exports dropped by 2,078 tons. So, clearly, here is an example in which money was spent on a program to expand exports in the Japanese market and it did not occur. In fact, just the opposite occurs.

May I suggest that the argument could be advanced that indeed this program was so countereffective that the expenditure of this additional money caused the exports to drop. That would be akin to the reasoning which they have advanced that all of those expenditures that are outlined, some $200 million annually, is the basis upon which exports have expanded. It seems to me that one of the fatal flaws of this program is that we really do not have a hard-headed analysis in terms of what programs work, how effective they are and what programs we ought to support, if any.

Mr. President, this comes down to an issue of priorities. How do we spend our money? What do we ask the American taxpayer to pay for, to come out of his and her hard-earned check and to turn over to the Federal Government which, in turn, is turned over to a series of programs that are operated at the Federal level.

I think my colleagues would be very hard pressed that with all of the needs in this country, and they are legion, and they are the subject of extensive floor debate during the course of our sessions, that in terms of prioritizing those expenditures, I ask my colleagues to think and reflect, is providing an additional $1 million for McDonald's a priority? Can we go back home and defend to our constituents that kind of transfer of money? Or the $9.96 million to Tyson's Foods, or $344,000 to Borden, $560,000 to ConAgra, or to Brown-Forman $1.26 million?

This program each year provides about 40 percent—that is nearly $80 million—for specific companies to advertise and promote their branded product. This is not just to a Buy American Program. This is, in the context of this chart to which I invite my colleagues' attention, to buy more McDonald's hamburgers. Is that how we want to spend our money? I must say this Senator cannot support that kind of allocation and resists those kinds of expenditures.

Finally, I would ask my colleagues, with scarce dollars, everybody competing, less money, more demands, should we not prioritize? If we support this program at all, and if you can justify it, should we not be supporting American companies, not foreign companies?

This list that I have on this chart would indicate a number of foreign companies which directly benefit and receive money from the American taxpayer. I suggest to my colleagues who remain in doubt as to how they are going to vote on this program, take that one home to your constituents and say, yes, I supported the equivalent of $80 million a year to support these companies, some of which have names that are almost unpronounceable, to assist foreign companies. I have used your hard earned dollars to do so.

Since 1989, we have spent about $43 million to directly go to foreign brands, foreign ownership.

Mr. President, I respectfully submit that in the full sweep of all of the issues we debate on this floor, how we spend money, this is a program at this time in our history which in my view ought to be zeroed out. Recognizing that that is not attainable in this kind of climate, I believe that the responsible course of action is let us reduce it by approximately $100 million and support the actions previously taken by our colleagues in the other body in reducing this level of appropriations to approximately $75 million.

I yield the floor and reserve the remainder of my time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER (Mr. WIRTH). The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I am going to make a suggestion and propound a unanimous-consent request. Momentarily, I will offer a motion to table the amendment of the Senator from Nevada. But before I do that, I would like to propound this request: that Senator BROWN be recognized next to offer an amendment, which is agreeable to us, dealing with OMB and CBO, and that he then be recognized to offer an amendment dealing with the honey program. Let me just suggest a 30-minute time agreement to be equally divided on that—after which the Senator from Iowa be recognized to offer his amendment dealing with travel expenses at the Department of Agriculture for 20 minutes, and that mine and Senator COCHRAN's motion to table this amendment and such votes as may be required from any of the other two amendments and final passage be stacked to commence immediately after the disposition of the Harkin amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. BRYAN. Mr. President, reserving my right to object, would there be objection, because of the colloquy that we previously had, that the Senator from Nevada be permitted to offer the amendment which was previously objected to, namely, the amendment that would restrict money from this program to go to foreign companies? I believe that would be within the parameter of the unanimous-consent request originally that my friend and colleague, the distinguished senior Senator from Mississippi, raised initially and was objected to.

Mr. BUMPERS. I know the Senator knows I would love to accommodate the Senator. I can tell the Senator that is not going to be possible, as much as I would like to do it. I would like to be able to put it in this unanimous-consent request, but it torpedoes the request. I appreciate the efforts of the Senator and I appreciate the Senator's tenacity and perseverance. Certainly something will be coming in here that will allow the Senator to offer his amendment, and I will do everything I can to help the Senator.

Mr. BRYAN. Will the Senator permit me to enter a quorum call so that we might discuss this for a moment. Because my option is to object to the unanimous-consent request, and I do not want to be difficult; the hour is late.

Mr. BUMPERS. We have a little momentum. I think we can pass this bill tonight. I wish the Senator would accept my assurance that I want to do everything I can to accommodate him. He is my friend. I regret very much that his amendment was not included

in the unanimous-consent request earlier. But I promise the Senator he will have an opportunity to offer that amendment. There will be other things coming through here.

Mr. BRYAN. I accept the representation of my friend, and based on this I withdraw any objection.

Mr. BUMPERS. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. Who yields time on the Bryan amendment?

Mr. BOND. Mr. President, the Market Promotion Program [MPP] has been authorized at $200 million annually to help U.S. producers and other organizations finance promotional activities for U.S. agricultural products.

The MPP is intended to encourage the development, maintenance, and expansion of commercial export markets for agricultural commodities. MPP helps develop new markets and increase U.S. agricultural exports.

For every $1 spent under the MPP, we get an average return of $2 to $7, and in some case like forestry products the return is much higher. Thus, the $200 million spent annually under the MPP generates $400 million to $1.4 billion in additional agricultural exports.

Exports not only provide income for U.S. farmers and their suppliers, but also generate income and employment throughout the U.S. economy. USDA estimates that U.S. agricultural exports, in total, provided more than 1 million jobs for U.S. workers in 1990—jobs in processing, packaging, transportation, and other services.

High-value products constitute the fastest growing component of the world's agricultural trade—and by 1998 are expected to represent 75 percent of world trade. The high-value market is the future for U.S. agricultural exporters, and more than 80 percent of the MPP funding is targeted at building exports for high-value products.

Thanks to the MPP, we have been able to keep the European Community, our main competitor in the high-value market, from running away with all the growth in global trade.

Without MPP funding, 38,000 jobs that depend on the exports generated from the funding would be lost. Businesses would lose $2.23 billion in economic activity generated by the exports resulting from MPP. And finally, America would lose $1.4 billion in exports if funding was discontinued.

The MPP, with its focus on promoting high-value agricultural products, is one of the most forward-looking of all USDA's export assistance programs. If we back away from the MPP now, we will be giving our competitors the world's high-value product market on a silver platter.

Mr. WOFFORD. Mr. President, back in May I introduced a bill to reform the Market Promotion Program. At that time, I said I support the program in spite of the public criticism because I believe it's a good program that has been mismanaged. It has had notable and laudable successes helping many companies gain a foothold in foreign markets. I still believe this. The way to address the problems of the Market Promotion Program is not with the budget ax but through action to bring about the necessary reform.

We have heard a lot about the importance of the Market Promotion Program and the impact on jobs and competitiveness. I believe it is critical that we provide Government assistance to improve competitiveness in the segment of our economy which is most needy and also represents the best opportunity for growth—small- to medium-sized enterprises. That is where reform should be focused.

I encourage my colleagues, both those who have spoken in favor of the Market Promotion Program and those who have spoken against it, to join in reforming it in a way that restores public confidence and at the same time assists our farmers and agribusinesses to develop and strengthen market share in foreign markets.

Mr. KASTEN. Mr. President, I rise in strong support of the Market Promotion Program and oppose any amendments that would slash this valuable program.

The MPP expands exports and create jobs. Some 38,000 new jobs are dependent on the exports generated as a result of the MPP. Eighty-four percent of MPP participants are small businesses. Some of the small businesses in Wisconsin participating in the program include: First, American Ag-Tec International, Delavan; second, Beatreme, Beloit; third, Froedtert Malt, Milwaukee; fourth, Hsu's Ginseng Enterprises, Wausau; fifth, Jones Dairy Farm, Fort Atkinson; sixth, Pan-A Live Pizza, Rosholt; seventh, Chief Industries, Hayward; eighth, Cumberland Packing, Ravine and ninth, Huber Brewing, Monroe.

These small businesses along with the many other small businesses across this country deserve creative market expansion through the MPP. The program is targeted to expand exports of U.S. agricultural products and educate companies in export marketing.

The MPP has further benefited American farmers, ranchers, and food processors by supporting the exports of wheat, feed grains, livestock, meats, fruits, vegetables, and many other farm products.

The Market Promotion Program is a model of Government-industry cooperation to improve competition in world markets. The MPP encourages the development, maintenance, and expansion of commercial export markets for agricultural commodities and is highly deserving of continued funding.

Mr. McCONNELL. Mr. President, while I will vote for this agriculture appropriations bill, I want to express my extreme disappointment over one provision which was included by the Appropriations Committee. Without the benefit of a hearing in the authorizing committee, the Senate Agriculture Committee, one particular commodity has been singled out to be excluded from funds in the Market Promotion Program.

In 1985, as a member of the Senate Agriculture Committee, I supported programs designed to expand and further develop export markets for agriculture. One of the programs, the Targeted Export Assistance, authorized by the 1985 farm bill was created specifically to promote U.S. agricultural products in overseas markets. The TEA program was viewed as a success and met with such acclaim that it was reauthorized and renamed in the 1990 farm bill as the Market Promotion Program. Some small changes were made, but the basic program remained intact.

During all of the discussion of the Targeted Export Assistance from 1985 through 1990 and the Market Promotion Program in the 1990 farm bill, I don't remember anyone trying pick and choose which commodities would be eligible and which would not.

While I want to commend my colleagues on the Appropriations Committee for the excellent job they have done putting together the annual agriculture appropriations bill, I must point out and express my deep concerns with the qualifications enumerated under the Market Promotion Program. The committee singled out one commodity, tobacco, and declared it ineligible for MPP funds. This action troubles me for two reasons. First, this is a classic example of how to get around the barrier of not being able to legislate on an appropriations bill. The regular process of holding hearings and discussions by the authorizing committee was bypassed, and the appropriations committee decided to exclude one commodity from receipt of MPP funds. My second main concern with this provision arises because of the significant and consequential impact that tobacco has on the lives not only of Kentuckians, but of all Americans.

No one can doubt that tobacco is the most deeply rooted commodity in our history. Its role in America's settlement, early development and eventual independence is incalculable. Tobacco soon became the economic foundation of the colonies. It was the only commodity that the settlers could produce to exchange for essential manufactured goods. Tobacco was the salvation of the struggling Jamestown colony. In 1730, the leaf itself became currency. Its uses ranged from buying rum to paying the salaries of the clergy.

Today, tobacco ranks sixth among field crops produced in the United

States. Nationally, the tobacco industry creates 2.3 million jobs and consumers spend $40 billion on tobacco products. Almost one-half of that spending goes directly to Federal, State, and local governments in the form of tax revenues. Exporting tobacco products helps our national trade balance. During the decade of the 1980's tobacco products added $30 billion to the positive side of the trade ledger.

Tobacco farms in Kentucky are not typical of most farming operations. The average Kentucky tobacco farm is less than three acres, not a big money maker, but heavily depended upon. Raising 1 acre of tobacco requires 280–320 man hours a year.

Over 60,000 Kentucky farm families actively participate in growing tobacco. Nearly 160,000 families derive income from tobacco production, and tens of thousands more people earn their living from an area in the marketing and manufacturing process. Tobacco has been an integral part of Kentucky's history and economy for over 200 years.

The $800 million which Kentucky's farmers earn annually from the sale of tobacco is multiplied into over $5 billion in economic benefits from labor hired plus goods and services bought. The tobacco industry directly accounts for an additional 60,000 jobs through core and supplier businesses. And, State and local governments collect over $50 million in tobacco excise taxes. Leading tobacco States like North Carolina, Kentucky, and Virginia are not the only States whose economies benefit from tobacco.

We achieve all of this economic activity with a program which is not subsidized by government dollars. Here you have an industry which provides jobs to 2.5 million American workers, generates nearly $20 billion in tax revenue, contributes over $40 billion to the gross national product, and provides a trade surplus of about $6 billion. If this were any other product than tobacco it would be the success story of the century.

Cigarettes are, indeed, a controversial product, but they are legal in the United States and in every other country in the world. Too often, under the veil of protecting public health, antitobacco activists push their own personal views. Tobacco smoke has an odd way of obscuring the issues.

The antismoking forces portray smoking as a threat to everyone. They feel an obligation to protect smokers from themselves and make sure the smoker bears all of the cost of their behavior, actual and perceived. Such reasoning, as if you smoke you will die and if you are in a room with a person who smokes you too will die, is a disservice to the public. People have rights, smokers and nonsmokers alike, but using the government to control your neighbor's habits is a risky business.

Now these self-righteous, activists want to impose their standards of good health on the rest of the world. For all of the gains we have made in tobacco exports, these people are working hard to pull the rug out from under us. They are working with foreign governments in an effort to reestablish trade barriers which we fought so hard to break down over the past decade.

While tobacco helped the Nation pass through its early growing pains, it has remained a vital element to our country. It has maintained its place as a dynamic force in our national economy. It has touched in one way or another for over 400 years on almost every aspect of human life—religion, education, agricultural advancement, politics, and the arts. It is my sincere hope that it will continue to do so for another 400 years.

Kentucky's largest cash crop, tobacco, has been eligible for MPP funds in the past and the money was used with clear success. The use of MPP funds to date has directly generated an additional $250 million in unmanufactured tobacco exports. This represents more than a 50-to-1 return on tax dollars invested.

I have seen the stories and heard the criticism of taxpayer dollars being used to export death, but remember tobacco remains a legal crop meeting all of the criteria for allocation of CCC resources in the Market Promotion Program.

The United States grows less than 10 percent of the world's tobacco and reducing U.S. tobacco exports will not end tobacco sales in any foreign country. In fact all it will achieve is stealing hundreds of millions of dollars out of U.S. farmer's pockets and put it in the pockets of foreign governments who in most cases control the growing, processing, and marketing of tobacco and its products.

U.S. tobacco farmers made an annual cash contribution of 40 percent of the amount of the old Targeted Export Assistance Program funds and are now contributing 33 percent of the level of MPP funds provided each year. Tobacco easily meets and exceeds all of the criteria of the rules and regulations of the Market Promotion Program. I would also note that none of these dollars used on tobacco were spent for advertising or any kind of consumer demand stimulation programs.

The fact is the commodity we are talking about is tobacco and because supporting this commodity is not politically correct it becomes an easy and popular target for attack.

If you forget everything else said about tobacco, remember these facts: the United States grows less then 10 percent of the world's tobacco; reducing tobacco exports will not end tobacco sales in any foreign country; in most foreign countries, government monopolies control the growing, processing, and marketing of tobacco and its products; and, reducing tobacco exports will take hundreds of million of dollars out of U.S. farmer's pockets and put it in the pockets of foreign governments, not necessarily foreign farmers.

I am disappointed that the Appropriations Committee singled out tobacco as the only commodity prohibited by law from participating in the Market Promotion Program. Further I am disappointed the authorizing committee did not hold hearings specifically on which commodities will and will not be eligible for MPP funds, before this provision is passed by the Senate. I remain a supporter of the Market Promotion Program because of the success of promoting other products grown or processed in Kentucky, but I am disturbed that thousands of tobacco farmers will be adversely impacted by the action taken by the Senate.

Mr. BUMPERS. I move on behalf of Senator COCHRAN and myself to table the Bryan amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is all the time yielded back?

Mr. BUMPERS. I yield back all time remaining.

Does the Senator from Nevada yield back his time?

Mr. BRYAN. The Senator from Nevada is prepared to yield back all remaining time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BUMPERS. Has the Chair asked for a second?

The PRESIDING OFFICER. The yeas and nays are ordered.

Under the previous order, the Chair recognizes the Senator from Colorado.

AMENDMENT NO. 2779

(Purpose: To provide a mechanism for the Congressional Budget Office and the Office of Management and Budget to determine the expenditure of appropriated funds for different income categories)

Mr. BROWN. I rise to offer an amendment and ask that it receive immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2779.

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:

On page 93, after line 24, insert the following new section:

SEC. . (a) In the case of any applicant for assistance provided with funds appropriated under this Act, the applicant shall include the information described in section 6109 of the Internal Revenue Code of 1986.

(b) Any agency processing any application described in subsection (a) shall submit the information provided by the applicant (including the dollar value of the United States Government assistance to the applicant) to the Internal Revenue Service.

(c) On a written request for the Director of the Office of Management and Budget or the Director of the Congressional Budget Office, the Secretary of the Treasury shall furnish each such Office, with—

(1) the dollar value of the United States Government assistance to the applicant; and

(2) any return or return information specified in the request, except any return or return information that can be associated with, or otherwise identify, directly or indirectly, a particular taxpayer.

Mr. BROWN. Mr. President, this is the amendment that we have chatted with the majority and minority about. The amendment is simply a followup on the sense-of-Congress study that was included in the budget resolution which was passed earlier this year. All the amendment simply does is help develop the identification of people who receive Federal funds for completion of the study that was included in the budget resolution.

The PRESIDING OFFICER. Is there further discussion of the amendment?

Mr. BUMPERS. Mr. President, that amendment has been cleared on this side of the aisle.

Mr. COCHRAN. Mr. President, the amendment has been cleared on our side. We urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2779) was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado is recognized.

AMENDMENT NO. 2780

(Purpose: To prohibit the use of funds made available by this Act to support the price of honey)

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] proposes an amendment numbered 2780.

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 appropriate place, insert the following new section:

SEC. . None of the funds made available by this Act may be used to support the price of honey through loans, purchases, payments, or other operations under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446b) or any other provision of law.

The PRESIDING OFFICER. Under the previous order, there is 30 minutes equally divided on the Brown amendment.

The Senator from Colorado is recognized.

Mr. BROWN. Mr. President, this Nation finds itself in a crisis with regard to the budget deficit of which every Member of this Chamber is well familiar. It is one with which we have been unable, as a body, to deal, not only unable to find the cuts in spending but unable to come to any agreement involving either revenue or spending to narrow this enormous deficit.

This deficit, at least in this Member's opinion, is not going to be cured easily. It is not going to be cured with good wishes. It is going to be cured by cutting wasteful programs. I wish there were an easy way to do it. I wish we did not have to eliminate waste. I wish we did not have to move to eliminate programs.

This particular one, the honey program, which I feel is wasteful, is considered by some to be a good program. There is no doubt in my mind that people who receive money think it has real value. But the simple fact is this nation of ours is not going to cure its deficit problems unless we are willing to eliminate some programs. It comes down to being willing to vote to end wasteful programs. That is what this amendment is all about.

Some will say it is a small program. Indeed, the honey program is a small program. This particular amendment will save $23 million this year and, hopefully, lead to the end of a program that has stung the American taxpayers.

This program is a small step, but it is a step toward eliminating the scandalous deficit that threatens the very future of our country, the livelihood of our children and our grandchildren, and our ability as a nation to compete.

Mr. President, if we cannot eliminate this program, we cannot eliminate anything. We are talking about $23 million that goes to 5,000 honey producers. That is only one-eighth of all the honey producers in the country. You are talking about an elite few that get the subsidy. If we cannot eliminate a program that wastes taxpayers' money that only goes to 5,000 people, what can we eliminate?

The simple fact is that the wastefulness of this program has long been recognized. Governor Clinton has specifically outlined this program as one that he would eliminate as President, and so I find myself in the strange position of offering a portion of Governor Clinton's program before this Senate.

But, Mr. President, I think he deserves praise. I think he has been willing to step forward and identify a program that is wasteful and go on line in proposing its elimination. As a Republican, I have to say I praise him for that. I think it is a fine move. His campaign staff is quoted as saying this: "We wanted to show we were serious about going after spending." That is why Governor Clinton wants to do away with the program.

Let me suggest it is why this body ought to go after this program and eliminate it. If we want the American people to believe that we are serious at all about eliminating the deficit or even stopping it from increasing, we ought to eliminate this silly program. It is a savings of $23 million this year.

Some will say it is a sweet deal. It is a sweet deal for 5,000 honey producers. Depending on how you figure it, the number of honeybee keepers in this country runs from 40,000 to 140,000. That means that only one-eighth to as low as 4 percent of honey producers receive the subsidy. It is a subsidy for the elite in the honey category. But it is symbolic of the sickness that pervades this budget, of the irresponsibility and the waste that this Congress has to face up to.

Let us take a look at what the advocates of this program claim.

One, they claim that if we keep this program, we will reduce imports and somehow improve our balance of payments.

Let us take a look at the facts because the facts do not bear out that claim.

In 1988, we imported 55.9 million pounds of honey. Within 3 or 4 years of the program, imports have gone up, not down. We have gone up to 92.3 million in 1991. The program that would reduce imports has turned out to be a program that increased imports.

Some say that if we eliminate this subsidy program the bees will simply lose interest in flowers. But somehow nature's most wonderful bees, that transfer and pollinate our flowers and our fields, will somehow cease to operate. It is hard to imagine that this country got by without the program for centuries. It is hard to imagine that most countries in the world get by without programs of this subsidy. But the truth is they do, the truth is they can, and the truth is that bees will thankfully not lose interest in flowers or crops if we do not have a subsidy program.

Some have said that this is essential, essential if we are going to have beekeepers in this country. What they do not tell you is that from 87 percent to 96 percent of the beekeepers in this country do not get any benefits anyway. The truth is many Members are afraid the lobbyists are going to swarm on this Chamber and advocate one more special interest program. But I believe this country, I believe this Nation, is more important than simply one more special interest group. I believe it is more important for our children to have a future.

If we can set an example on beginning to eliminate wasteful programs, it will spread. That, Mr. President, is why I believe many people are concerned about this, not because of the honey.

They know that bees are going to be interested in flowers whether we eliminate the program or not. What they are afraid of is that this body will set an example of facing up to special interests. What they are afraid of is, if we examine this program and eliminate waste, that we are liable to do it in other areas.

Indeed, that is probably the significance of this amendment. It tests our resolution.

So, Mr. President, I offer to this Chamber a portion of Governor Clinton's campaign platform, a commitment to begin to end waste in this country, a commitment to end the honey program, and I urge its adoption and reserve the remainder of my time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I yield 5 minutes to the distinguished Senator from South Dakota and, following his 5 minutes, I yield 5 minutes to the distinguished Senator from North Dakota, Senator CONRAD.

Mr. DASCHLE. Mr. President, it seems that virtually every year Congress returns to the issue of whether or not to continue the honey program.

Each year we hear the same arguments against the program. We hear that honey producers form a powerful special interest group that has Government in its back pocket. We are told that funds spent on the honey program are wasted money. And there is my particular favorite, that bees will continue to make honey without the encouragement of a Government program.

These arguments may have an appealing ring to them. However, under objective examination, they simply do not hold water. Rather, they reflect a lack of understanding of why the honey program is needed and what it contributes to the American economy.

VALUE OF THE PROGRAM

The beekeeping industry's significance to the rest of agriculture is often overlooked or even maligned. But the fact of the matter is that beekeeping is vital to American agriculture.

The U.S. Government has supported the price of honey since 1950 by providing market price stability to honey producers to encourage them to maintain sufficient honeybee populations to pollinate important agricultural crops.

I mentioned again and again, as I have in the past. This is a loan program, a loan program that is paid back to the Federal Government each and every year.

More than 140 cultivated crops either require or benefit from beep pollination, including millions of acres of fruits, vegetables, oilseeds, and legume seed crops. Pollination provided by honeybees has increased in importance to farmers in recent years as urbanization and other pressures on the environment have reduced the availability of other natural pollinators.

It is often pointed out that the United States is a net importer of honey. Yet, while we can import honey, we cannot import pollination. A vast majority of pollination is provided free to the public through the random movement of bees.

A study several years ago by Cornell University placed the value added to pollinated crops by the U.S. honeybee at $9.7 billion. This should be compared to the cost of the program that CBO estimates to be $11 million in fiscal year 1992, and is projected at $6 million in fiscal year 1993, not $23 million as was indicated earlier, but $6 million in the next fiscal year.

That is $9.7 billion for a $6 million investment by taxpayers, an investment paid in the form of loans, paid back by pollinators and by beekeepers alike. Let me repeat that figure—$9.7 billion.

The ratio of value added to Government cost is $9.7 billion to $10 million, roughly 1,000 to 1. The tax revenues generated by nearly $10 billion in value-added benefits would total roughly $2.5 billion alone. That is a benefit ratio of 250 to 1 for the Federal Treasury.

The value of the honeybees as pollinators far exceeds the value of the honey and beeswax they produce. However, for most beekeepers, the receipts from honey and beeswax sales far exceed the fees received for pollination services.

No one should be misled. If the loan program for honey is withdrawn or reduced, the supply of honeybee colonies will be jeopardized, and much of U.S. agriculture that depends on pollination will be hurt. Any decline in the number of honeybee colonies that may result from changes in the honey program will directly affect the number of honeybees available for pollination.

Of most concern will be pollination of those agricultural crops that require large concentrations of bees for a commercial crop. It is unlikely that the areas where these crops are grown contain a sufficient number of wild bees, other pollinating insects, or honeybees managed by local beekeepers to provide adequate pollination without the assistance of commercial beekeepers.

Some critics of the program rely on a General Accounting Office report which concluded that the program is not needed to ensure crop pollination. However, there were serious flaws in the rationale for discontinuing the loan program. For example, GAO looked only at the benefits of honeybees from pollinating crops for producers that provide cash rent and overlooked entirely indirect benefits to wildlife, home gardeners, environment, and other agricultural producers who do not pay rent for pollination.

The critics of the honey program conveniently ignore the fact that the program has undergone extensive revisions in the last two farm bills. In the 1985 farm bill, the loan rate for honey reduced at a rate of 5 percent a year. The 1990 farm bill froze the loan rate at 53.8 cents per pound, but lessened the benefits producers received by increasing the price at which they are able to redeem honey that is under the loan.

The result is that the cost of the program has dropped from $100 million in 1988 to a projected cost of $6 million in fiscal year 1993. That is a decline of 94 percent over the space of 5 years. Since 1985 the volume of stocks being held by the Commodity Credit Corporation has dropped from 103 million pounds to virtually zero at the present time.

DECLINE OF THE INDUSTRY

What we have left is a honey program that has been pared to its bare bones. The effect can be seen in the honey industry today. Despite the importance of bee colonies, the number has been declining. Since the peak in 1947 of 5.9 million, the number has dropped to a recent estimate of 3.2 million colonies, based on beekeepers with five or more colonies.

The decline in colonies is connected to the decline in the price of honey. Since 1981, the average price of honey has declined from a record 63.2 cents per pound to less than 50 cents per pound, largely due to the declining support price.

Meanwhile, the costs of honey production have been rising. Honey producers also are facing increasing competition from imports of honey from countries such as China. Even though the program has been cut to very low levels, it is still necessary to help cope with these and other threats.

In addition to dealing with massive cuts in the support program, honey producers are struggling with two mites that are devastating the industry, and no viable control measures are available at this time. To add to these problems, the Africanized, or so-called killer bees have arrived in southern Texas. As the industry deals with the economic impact of these threats, now is a poor time to make other changes that will threaten the industry's survival.

No one should underestimate the danger posed by the Africanized bee. The Africanized bee is generally not aggressive when foraging, but is extremely aggressive and unpredictable in the defense of the hive. Studies show that the Africanized bee reacts 10 times more severely than the European bee when its hive is threatened.

The costs to beekeepers to maintain nonaggressive colonies through breeding programs will be substantial. If there is not a viable honey industry, there will not be enough beekeepers available to provide a first line of defense to control the invasion of Africanized bees. As a result, the costs of managing the invasion by Federal,

State, and local authorities without beekeepers will far exceed the cost of the loan program.

COUNTERARGUMENTS TO LIKELY CRITICISMS

Mr. President, it is claimed that the honey program benefits only a few beekeepers. That is probably true simply because of the fact that there are very few beekeepers left in the country. Everyone with an apple tree in their backyard is not operating a fruit orchard. Likewise, everyone with a bee colony is not a commercial beekeeper. The roughly 5,300 commercial beekeepers who participate in the honey board programs account for 99 percent of the honey produced in the United States.

It is also claimed that honey producers are receiving large payments. In fact, however, over half of the producers who participate in the program receive loans of less than $5,000.

It is also worth bearing in mind that the 1990 farm bill will reduce the maximum contract a producer can receive to $100,000 by 1995. Thus, the handful of larger producers in the country will realize limited loan availability from the program.

The bottom line is that the honey program will only cost the Federal Government $11 million in fiscal year 1992. In fiscal year 1993, the Congressional Budget Office estimates it will cost only $6 million. We are spending about $10 million on 5,000 honey producers that contribute over $9 billion in pollination benefits to the country.

Mr. President, the honey industry is not a special interest; it is simply an easy target. If my colleagues are serious about deficit reduction, they should find a program that wastes money rather than one that costs $6 million and generates $9 billion for the Nation's economy.

Mr. President, I know our time is limited. Let me just summarize by saying that this program is now down to $6 million. We generate a substantial benefit across the country in areas that go beyond argiculture with this meager investment. The ratio is 1,000 to 1, and people ought to recognize that prior to the time they vote against this very valuable program.

I yield the floor.

Mr. CONRAD. Mr. President, sometimes when we review actions, we say that it is all style and no substance. Mr. President, that is this amendment. It is all style and no substance.

We hear that this amendment to completely eliminate the honey program in this country is designed to do something about the Federal budget deficit. Let us get serious. Who is kidding who? I mean, this may be a good headline back home, but it in no way is serious at all about doing anything about the budget deficit.

Mr. President, we are talking about a program which, in total, is going to cost $6 million next year, and we have a $400 billion deficit. We have a $400 billion deficit, and we are talking about doing something serious about the Federal budget deficit by eliminating a program that, next year, is going to cost $6 million; a program, by the way, that as recently as 1986 cost $79 million?

Mr. President, show me any other Federal program that has been reduced by 90 percent in the last 6 years. Show me any other program that has made that contribution to deficit reduction. Show me one. This program has gone from $79 million to $6 million. And do you know where it is going to be in 2 years, according to the Congressional Budget Office? $2 million.

This is a brave assault on the Federal budget deficit here tonight. This is a courageous assault on adding $1.8 trillion to the national debt in the next 5 years. Let us get serious. This is not even worth talking about.

Mr. President, if we were serious, we would do something like the plan I offered the Budget Committee, which the occupant of the chair voted for, to reduce the deficit $500 billion over the next 5 years. Then we would be talking. There was the opportunity for the Senator from Colorado to do something serious about the Federal budget deficit. But when that tough vote was offered, the Senator ducked, as did most of the other members of the Budget Committee.

Instead, what we see offered is a program to reduce and eliminate a program of $6 million, that has come down from $79 million 6 years ago, and is going to $2 million 3 years from now. What is the cost?

Mr. President, the problem with this proposal is that it will cost more than it will save. The reason for that is very simple.

Mr. President, according to the studies that have been done, $10 billion in crops are benefited by the honey program. Some crops require honey bees for pollination. GAO says a conservative estimate is that 10 percent of the value of these crops, $1 billion, is due to honey bee pollination.

Mr. President, if ever there was a program with a payoff, this is it. To suggest this is doing something about the Federal budget deficit, frankly, is a mighty big stretch.

I yield the floor.

Mr. BROWN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes 56 seconds remaining.

Mr. BROWN. I yield 5 minutes to the distinguished Senator from Rhode Island.

Mr. CHAFEE. First, Mr. President, I am going to miss the Senator from North Dakota. I had an opportunity to watch him in action last week. I must say, sometimes the Senator from North Dakota equates volume with effectiveness. I am not sure that is always true. Certainly, I had a little trouble with his figures today.

Let us go back and review the bidding, if we might, on this program. This program, over the last 5 years, has averaged $56 million a year of the Federal budget. That is what it has cost.

You might say—as the Senator from North Dakota said—that is peanuts. But is was not peanuts to the Democratic Presidential candidate. He thought it was worthwhile. As a matter of fact, he listed it on his breakdown of savings: Defense cuts, intelligence cuts, line-item veto, power projects, streamline USDA subsidies for honey producers. It was not peanuts for the Presidential candidate, and I agree that it is not peanuts.

Indeed, Mr. President, the only way we are going to solve this budget deficit is that each step counts. There is no silver bullet. There is no way we are going to—bing—eliminate the deficit. We all know that. It is through a series of measures that we have to take.

Let us again look at what GAO says. I think we can rely on them as much as anybody. There are about, in the United States, 212,000 beekeepers. Do you know how many are in this honey program? Not 212,000, or 210,000, but 2,100—1 percent of all of the beekeepers.

I can understand the position of the Senators from South Dakota and North Dakota. Indeed, the American Honey Producers, and its president, Mr. Matt McVie, are located in Bruce, SD. I would be up here battling, too, for a hometown boy.

The galleries were full when we debated this in the past years. You are going to hear, Mr. President, all through the argument, that it is necessary to have bees to pollinate crops. That was the original justification for this program. It was to support crop pollinization.

But, Mr. President, beekeepers who provide pollination services, moving bees from farm to farm, are not involved in the honey support program.

As I mentioned, there are only 2,100 beekeepers involved in this. I admit, they are a vocal group. I suppose a lot come from South Dakota and North Dakota. They certainly make their views known.

But to suggest that all bees are going to disappear in the United States if we do not have this subsidy program is nonsense. And I am sure the 2 proponents of this legislation must recognize that, with 210,000 beekeepers, and this effects 2,100.

Mr. President, I just want to say that a little step counts. This is not going to solve the budget deficit. If we have something, as the distinguished Senator from North Dakota has, that is going to eliminate $500 billion, or some mammoth amount—I am not sure what he said; maybe $500 million—three cheers. Let us take a look at it.

Meanwhile, let us take this little step forward. It is something we can do. It is an unnecessary program. If there was ever a program that was restricted to a tiny group, this is it: 1 percent of all of the beekeepers in the United States of America.

Mr. President, I want to say that the Vice Presidential candidate on the Democratic ticket has supported this. I will say that it is a little bit back and forth. He was against the price supports in 1985. He was for them in 1990; he was against them later on in 1990, 3 days later. And on the last vote we had, he was for it. So it is a little hard to tell exactly where the Vice Presidential candidate stands.

Really, we are doing this, and sort of striking a little blow for Governor Clinton's program.

I hope our colleagues will support this amendment. I commend the distinguished Senator from Colorado for offering it.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. On behalf of the managers of the bill, I yield 5 minutes to the Senator from South Dakota [Mr. PRESSLER].

Mr. PRESSLER. Mr. President, does my good friend from Colorado not know about the birds and the bees? Does he not know the facts of life that we are dealing with about pollination?

The overall value of the domestic honey production exceeds $9 billion annually as a result of increased yields and higher quality crops achieved through pollination.

Mr. President, I am sure the distinguished Senator from Colorado has a backyard whose flowers prosper and bloom, and those flowers would not be blooming were it not for this program.

I am sure my friend from Colorado will perhaps rise to change his position shortly after my speech. But in any event, there are many other points I would like to make.

Last year an attempt to eliminate the honey price support was made and failed by a 57–38 vote. At that time opponents claimed the costs of the program to be $49 million. Mr. President, the most recent USDA estimate shows the program costing only $6 million. It appears there are going to be annual attempts to eliminate the honey price-support program. It also appears those wishing to eliminate the honey program have singled out this Nation's beekeepers to lead the charge in reducing the $365 billion budget deficit. From a cost-benefit analysis, eliminating the honey support program does not make economic sense.

Honey production is not only important to my State of South Dakota but to the Nation as well. South Dakota is the third largest honey-producing State in the Nation. Honey production is a $12.3 million industry in South Dakota. Nationwide, honey production is valued $105 million.

As I said earlier, eliminating the program is bad economic policy, and the entire Nation has an interest because of the pollination effect. More than 140 cultivated crops either require or are benefited by bee pollination, including millions of areas of fruits, vegetables, oil seeds, seed crops, and I am sure the garden of the Senator from Colorado.

Eliminating the honey program would result in a dramatic reduction in the number of U.S. beekeeping operations, and many of the benefits of pollination would be lost. Eliminating the honey price support program also would result in a significant increase in foreign imports.

The honey program is an integral and very inexpensive component of American agriculture. In an effort to save mere millions of dollars, the amendment would cost the economy billions of dollars in lost economic benefits, greatly increased foreign imports and wreak havoc on many rural communities in this country.

In addition, the Congressional Budget Office estimates the honey program will save $3 million in fiscal year 1996 and $2 million in fiscal 1997. Eliminating the program will wipe out those savings at a great cost to this Nation's beekeeping taxpayers. The beekeeper is good for America.

The arguments we hear today are the same arguments used in 1985 when needed reforms to the loan price support program were made. In 1985, the costs of the programs were excessive and rose to over $100 million in 1988. In the early 1980's excessive Government acquisition of honey occurred. In 1983, the Government acquired approximately one-half of the domestic honey produced. These problems have been fixed. We now have loan programs that maintain market stability, encourages the maintenance of bee population so vital for reasons I have already mentioned. The needed reforms in the 1985 farm bill restored order to the honey program, and that is reflected in the diminishing costs of the program.

Mr. President, in conclusion, the honey price support program is sound and is working as it was intended. The program has significantly reduced Government honey stocks, Government costs in storing honey, and maintained the competitiveness of the domestic honey in United States and foreign markets. I urge my colleagues, once again, to defeat the attempt to eliminate a proven cost-effective program.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, my good friend from South Dakota has referenced the birds and bees. His comment stings me to the quick. The last 10 years the figures indicate this program has cost the U.S. taxpayers $614 million to operate. Some dismiss it as not very significant, but to me $614 million in the last decade is pretty significant. It may be one of the most expensive sex education programs this Nation ever had.

Colorado is one of the leading States in honey production. It is something with which we are not unfamiliar. But let me assure the Members of this Chamber that no doubt bees will not lose interest in flowers, pollination will not end. This country survived through most of its history without the subsidy program, and it will do just fine in the future.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, how much time remains on this amendment in the order?

The PRESIDING OFFICER. The Senator from Colorado has 2 minutes remaining and the managers have 1½ minutes remaining.

Who yields time?

Mr. DASCHLE. If the managers will yield, I do not have any more requirement for time on our side.

Mr. COCHRAN. Could we just yield back all time on the amendment and proceed to the Harkin amendment?

The PRESIDING OFFICER. Is all time yielded back?

Mr. CHAFEE. Mr. President, I make one comment.

Mr. BROWN. Mr. President, I yield 1 minute to the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the point has been made here that the cost of this program has come down. I think that is right. But I will say I can remember debates we had on this in 1985, and indeed the Vice President, the present Vice President, was one that used to present the amendments on this, and the very people who are opposed to our taking this step tonight are the ones who were opposed to our doing it in 1985. In other words, they have never recognized that the program was a wasteful one. So I get little confidence from their thought that what took place in the past was bad but what is going on now is good, because in those days they did not recognize that the program needed vast overhauling and should indeed be eliminated.

Mr. President, I hope that this body will support the amendment by the Senator from Colorado.

Mr. BROWN. 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. BUMPERS. Mr. President, I yield to the Senator from South Dakota for a motion.

The PRESIDING OFFICER. The Chair will determine if the Senator from Colorado has requested the yeas

and nays. Is there a sufficient second? There is not a sufficient second.

Who yields time?

Mr. BUMPERS. Mr. President, I yield to the Senator from South Dakota.

Mr. DASCHLE. On behalf of the Senator from North Dakota, I make a motion to table and 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 sponsors still have time remaining on the amendment. The motion to table is premature.

Mr. BUMPERS. Does the Senator from Colorado yield back the time?

Mr. BROWN. I do.

The PRESIDING OFFICER. You have time remaining, 1 minute and 3 seconds.

Mr. BUMPERS. We yield back the remainder of our time.

Mr. CONRAD. Mr. President, I ask, before we go to the vote, to clarify the point last made on that side.

Mr. BUMPERS. Clarify what?

Mr. CONRAD. The point made on that side. Before people vote they ought to be reminded of the cost. They heard these large numbers. I would like just 30 seconds.

Mr. BUMPERS. Mr. President, I ask my time be granted back to me so I can yield 30 seconds to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we are not talking about $600 million. That is the past. We are talking about $6 million in fiscal year 1993, $67 million in 1994, $2 million in 1995.

I thank the Chair.

Mr. DASCHLE. Has all time been yielded back?

The PRESIDING OFFICER. All time has been yielded back.

Mr. BROWN addressed the Chair.

Mr. DASCHLE. On behalf of the Senator from North Dakota, I move to table and ask for the yeas and nays.

Mr. BROWN. Mr. President, I ask unanimous consent I may have 30 seconds to respond.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, only on a point of expenditure, the savings by this amendment for this year is $24 million. It takes out savings in the appropriations bill. The savings stated by Governor Clinton in his proposal is $20 million. I do believe it is significantly different than has been discussed.

Mr. BUMPERS. Now, Mr. President, all time has been used up, and I yield to my distinguished friend to again renew his motion to table.

Mr. DASCHLE. Mr. President, if that is the case, on behalf of the Senator from North Dakota, I move to table and 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. Under the previous order, the Senator from Iowa is recognized.

Mr. BUMPERS. Mr. President, if the Senator from Iowa will yield, there has been no request on this side for the yeas and nays. I have had none on this side. I hope after we vote on the three amendments, we can voice vote the bill. That is just a wish.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 2781

(Purpose: To provide that no funds may be expended in excess of a certain limit on travel expenses for schedule C employees, noncareer appointees, and Executive Schedule officers, during a 2-month period)

Mr. HARKIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2781.

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

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

The amendment is as follows:

On page 88, insert between lines 20 and 21, the following new section:

SEC. 731. No funds appropriated or made available under this Act, or any other Act, may be expended (with regard to the travel expenses of any employee in a position of a confidential or policy-determining character under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations, a noncareer appointee in the Senior Executive Service, or an officer serving in a position on the Executive Schedule, who receives pay from funds appropriated under this Act) during the period beginning on October 1, 1992 through November 4, 1992 in excess of the higher of—

(1) the amount of travel expenses incurred by the officer or employee serving in such position during the period beginning in October 1, 1991 through November 4, 1991;

(2) 10 percent of the amount of the travel expenses incurred by the officer or employee serving in such position during fiscal year 1992; or

(3) in the case of an officer or employee in a position which was established during fiscal year 1992, the median travel expenses of—

(A) in the case of a schedule C employee, all such schedule C employees in the executive branch of the Government during the period beginning on October 1, 1991 through November 4, 1991;

(B) in the case of a noncareer appointee in the Senior Executive Service (not otherwise covered under subparagraph (C)), all such non-career appointees in the executive branch of the Government during the period beginning on October 1, 1991 through November 4, 1991; and

(C) in the case of an officer in a position on the Executive Schedule, all officers in the same level of the Executive Schedule during the period beginning on October 1, 1991 through November 4, 1991.

Mr. HARKIN. Mr. President, how much time do I have on this amendment?

The PRESIDING OFFICER. Twenty minutes equally divided.

Mr. HARKIN. Mr. President, this is a very simple and very straightforward amendment. Basically, what it attempts to do is to reduce the use of very scarce Federal funds for political purposes.

Every election year, it is just like a swarm of locusts about to land. These political appointees, the executive branch schedule C appointees, executive officers, go around the country, usually in October, the month before the election, having all kinds of 30-second, 2-minute meetings, and then they go to political fundraisers.

I know you cannot stop it all, but what this amendment does is basically tries to limit that. I have no problem with political appointees going out and campaigning as allowed by law. That is fine. That is what they ought to do. There is nothing wrong with that. I just have a problem with them doing it at taxpayers' expense.

What this amendment basically does is two things: It limits for the month of October of this year, from October 1 through November 4—the day after the election—it limits the travel for schedule C and executive schedule political appointees paid under this bill. It limits their travel to what they did last year during that same period of time. No more. They can still travel, but let us look at what they did last year during that same period of time and no more travel than that.

Or, as an alternative, 10 percent of the amount of travel for that position for the last year. In other words, take 10 percent of all the travel they did during fiscal year 1992 and that is what they would be allowed to do during the month of October.

So, again, it is a very modest approach to this. I am not trying to ban all their travel. Not in any way. I am just saying, let us look at what they did last year and let us not have this mushroom effect that we have every October before an election, where, as I said, like a swarm of locusts they go about the land. If they want to swarm about the land, fine, just do not do it at taxpayers' expense.

So I would just say keep the travel at the same amount that they had last year. I think it is a very modest approach to try to nip in the bud future practices and to end some of the more egregious practices we have had in the past.

There was an article recently in the Washington Post about this recently. Again, I do not mean to take on the department and that person. Quite frankly, I happen to have a great deal of respect for Manny Lujan in the Interior Department. He is a long-time friend and former colleague of mine. I do not

think he knew at all what was going on underneath him with regard to that travel. But you read that article, then you will see what I am trying to get at and that abusing taxpayer funds to go to these political events. As I said, we cannot stop it all, but at least we can try to put a lid on it. And that is what we try to do with this amendment. I ask unanimous consent that the article be inserted in the RECORD.

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

LUJAN AIDES' TRIP SET UP WITH POLITICS IN MIND

(By Dana Priest)

When Idaho Republican Party leaders were planning their spring fund-raisers several months ago, they decided that Interior Secretary Manuel Lujan Jr. would be a great draw in a state where the federal government owns 65 percent of the land.

Lujan agreed to attend events in Coeur D'Alene, but two weeks before the mid-May trip, as his staff was still trying to find some official business for him in the region, pressing matters in Washington forced Lujan to cancel. Two political appointees were told to stand in; they had only a week to line up some official work.

The administration and Cabinet members are fond of saying that government business always is the driving force behind "mixed" trips, not the other way around. "Mixed" trips—part political and part official—allow the Republican Party to split travel-related expenses with the taxpayers, who pay for the official portion.

The Republican National Committee (RNC) decides what percentage of a trip is political, prorates the total bill and reimburses the Treasury for its share. Vouchers for the Idaho excursion have not been processed by the RNC.

Besides the financial advantage to the party, the Idaho trip is an example of the powers of incumbency and the way it can be used in election season.

"The way this trip came about was an aberration," said Interior spokesman Steven Goldstein. "Trips are clearly set up with official business, and then, if there is additional time," an official will tend to political matters.

That is not what happened May 14-16 in Idaho.

"We picked the dates," said Idaho Republican Chairman Phil Batt. Goldstein said Lujan had decided to visit Idaho in May before the GOP invitation but had not set a specific date and did not have any particular business to conduct there.

A lot is at stake this year in Idaho politics. Republican Sen. Steve Symms is retiring, so that seat and one of two House seats are up for grabs. Rep. Larry LaRocco (D) is being challenged by Rachel Gilbert, who was a state senator for 10 years. With redistricting, Republicans "will have to work hard," said Batt, to keep their majority in the state House and to stay even with Democrats in the state Senate.

Bureau of Land Management Director Delos Cy Jamison and Bureau of Mines Director T S Ary had other things to do when they were diverted to Idaho. Ary was on vacation babysitting his grandson. Jamison was returning from business in Denver to follow a meeting of the Endangered Species Committee, which voted to allow limited timber cutting in the Pacific Northwest forests, home to the northern spotted owl.

The committee—or "God Squad"—meeting is what kept Lujan in Washington.

Jamison said he asked his executive assistant, Wendy Evans, to fly to Idaho and "monitor the situation" in Washington for him by telephone. Although the Hatch Act prohibits Evans from taking part in partisan political functions, she accompanied Jamison to the fund-raisers, he said Friday. "What was she supposed to do, stand outside the door?"

As Senate-confirmed presidential appointees, Lujan, Jamison and Ary are exempt from Hatch Act restrictions.

Jamison and Ary arrived in Coeur D'Alene on Thursday afternoon, May 14. Jamison ran into five members of a mining lobbying group at his hotel and held an impromptu meeting with them, which he said was official business.

In the evening, Jamison and Ary spent about four hours at two fundraisers—one a $10-a-place hot dog bash that drew 120 people; the other a $50-a-ticket cocktail party attended by about 50 supporters.

At the hot-dog bash Jamison berated LaRocco. "We're here to help Republicans any way we can, any time we can," he said, according to an article in the Coeur D'Alene Press. ". . . I'd sure like to work with someone other than LaRocco."

The next day, Jamison, Ary and Sen. Larry E. Craig (R), who had helped persuade Lujan to visit Idaho, were guests at a small breakfast of mostly timber and mining executives. The event raised about $7,000.

Ary said he met briefly with two people before the breakfast to discuss official matters.

The three men than attended the Hecla Mining Co.'s board of directors' meeting. Hecla's political action committee traditionally has donated to both political parties, according to Federal Election Commission records.

The meeting, which Interior spokesman Goldstein labeled as an official part of their trip, was arranged only several days before it occurred. "We didn't know [Friday] was the day for the annual meeting," said Sandra Patano, Craig's regional director, who helped arrange the meeting. "I called them and said, 'If you have people who can meet with' Ary and Jamison, they will be in town Friday." A Hecla spokeswoman confirmed that arrangement.

Batt said the GOP "helped facilitate" the Hecla visit, too. "We want to convince Hecla" that the company should support the Republican Party.

The board members, described by Jamison as "the elite of the mining industry," talked with the three men for about 30 minutes. One topic was "how could we try to do closer work with the [Environmental Protection Agency] and the other people who were really slapping the regulations on," said Ary.

Ary then met with management of a local newspaper, which was concerned about environmental regulations affecting it. He subsequently returned to Washington.

Jamison went to a fire center near Boise, where he rode in a new fire observation plane. Afterwards, he attended another fundraiser. On Saturday, Jamison spent several hours at the annual Boise Interagency Fire Center open house before returning to Washington.

Jamison's travel expenses were $1,868, and Evan's were $1,580. Ary has not yet calculated his bill.

Last week, Sen. David Pryor (D-Ark.), chairman of a Governmental Affairs subcommittee, asked the General Accounting Office to investigate the propriety of the trip. "None of the meetings involved pressing or even routinely schedule, official business," Pryor wrote in a letter to Comptroller General Charles A. Bowsher. "* * * Subterfuge was used as the basis for classifying the trip as a 'mixed' official and political trip."

"If the Hill was held to the same standard, there would be a lot of red faces up there," Jamison said. "I held out for a position [in government] that would not be under the Hatch Act. I wanted to be politically active—and probably will be sent home for it."

Mr. COCHRAN. Mr. President, on behalf of the managers, I yield myself such time as I may consume.

Mr. President, I was not aware of the content of this amendment until the Senator sent it to the desk. I have read the amendment and I am still not sure exactly what the practical impact of it would be if it were to be adopted.

It seems to me, there is an implied suggestion in the amendment that unauthorized travel is occurring on the part of the administration's schedule C employees or those in the senior executive service, and this amendment attempts to prohibit that or limit it and provide that there cannot be any travel at Government expense that is for political purposes. I guess that is what the practical suggestion is.

But by offering the amendment, if the Senate agreed to it, it would be tantamount to a finding that there was inappropriate travel occurring. I do not know that there is.

I understand that there is a Washington Post article, but I do not know that that is "the whole truth and nothing but the truth, so help you God," or rises to the level of sworn testimony before a hearing on which we could base a finding on a vote on this amendment.

But I have asked the staff to tell me what the legal consequences of agreeing to the amendment are and I am awaiting a response to that. We just had the amendment given to us, so I am not sure what we are going to suggest that the Senate do in response to it.

So while we are awaiting that, I am happy to yield the floor to others who might want to speak on the amendment.

Mr. BUMPERS. Mr. President, I do not care to speak on this amendment and I doubt that anybody else does.

I was going to make a suggestion and, if my distinguished colleague, Senator COCHRAN, agrees with it, I will convert it into a unanimous-consent request.

I would suggest that, while we are waiting for an answer on whether or not this is acceptable to the other side of the aisle, we proceed with the voting, and at such time as we dispose of the Bryan amendment and the Brown amendment, at that point the Chair could recognize the Senator from Mississippi to move to table or ask for the yeas and nays if he so chooses. Or we could accept the amendment. I am willing to accept it.

But that way, we could start voting. And I just ask the Senator from Mississippi if he has any objection to that method. Everybody understands the amendment. I do not think there is any reason to debate it.

Mr. COCHRAN. Mr. President, if the Senator would yield, I recall that we have told Senators that we expect the voting to begin, under the order that was previously entered, at about 9 o'clock. So I do not know that we are going to upset anybody's schedule if we do delay up to 5 minutes in order for us to determine what the response should be to the amendment of the Senator from Iowa.

So if it is OK, I would prefer we put in a quorum call until 9 o'clock.

Mr. BUMPERS. Mr. President, I further suggest to my colleague that we start the vote, but that we not terminate the vote prior to 9:15. At this point I ask unanimous consent that the vote on the Bryan amendment be a 15-minute rollcall vote, and that all votes thereafter be for 10 minutes.

Mr. COCHRAN. Mr. President, reserving the right to object, and I hope I am not required to object, it sounds like a very good idea to me. We are going to check to see if there is any objection on this side.

The PRESIDING OFFICER. There is a unanimous-consent request pending.

Mr. BUMPERS. Let me restate the unanimous-consent request once again. I ask unanimous consent that, once we begin voting on the motion to table the Bryan amendment, that there be a regular rollcall vote, as far as time is concerned, and that such votes as occur subsequent to that time be 10-minute rollcall votes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

The Chair hears none and it is so ordered.

Mr. COCHRAN. Mr. President, with respect to the other question the distinguished Senator from Arkansas raised a moment ago, we have no objection to proceeding to the first 15-minute rollcall vote at this time and then sequentially to have the other vote he just limited to 10 minutes. In the meantime, we will get a reaction to the Harkin amendment.

Mr. BUMPERS. Mr. President, certainly once we vote on the motion to table the Bryan amendment and the honey amendment and we get to Harkin, I am not even suggesting we yield back the remainder of our time. If it needs further debate, that is agreeable with me also. But at this time, there is a unanimous-consent agreement that we start immediately on the 15-minute rollcall vote.

Mr. HARKIN. If the chairman will withhold, might I inquire how much time do we have remaining.

The PRESIDING OFFICER. The Senator from Iowa has remaining 7 minutes and the Senator from Arkansas has remaining 4½ minutes.

VOTE ON AMENDMENT NO. 2778, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Arkansas [Mr. BUMPERS] to table the amendment of the Senator from Nevada [Mr. BRYAN]. The yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. BURDICK] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

The PRESIDING OFFICER (Mr. CONRAD). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 74, nays 23, as follows:

[Rollcall Vote No. 156 Leg.]

YEAS—74

| | | |
|---|---|---|
| Adams | Ford | McConnell |
| Baucus | Fowler | Murkowski |
| Bentsen | Garn | Nickles |
| Biden | Glenn | Nunn |
| Bond | Gorton | Packwood |
| Boren | Graham | Pell |
| Breaux | Gramm | Pressler |
| Bumpers | Grassley | Pryor |
| Burns | Harkin | Riegle |
| Byrd | Hatch | Robb |
| Chafee | Hatfield | Roth |
| Coats | Heflin | Sanford |
| Cochran | Hollings | Sasser |
| Conrad | Inouye | Seymour |
| Craig | Jeffords | Shelby |
| Cranston | Johnston | Simpson |
| D'Amato | Kassebaum | Specter |
| Danforth | Kasten | Stevens |
| Daschle | Kennedy | Symms |
| DeConcini | Kerrey | Thurmond |
| Dixon | Levin | Wallop |
| Dole | Lott | Warner |
| Domenici | Lugar | Wellstone |
| Durenberger | Mack | Wofford |
| Exon | McCain | |

NAYS—23

| | | |
|---|---|---|
| Akaka | Kohl | Reid |
| Bingaman | Lautenberg | Rockefeller |
| Bradley | Leahy | Rudman |
| Brown | Lieberman | Sarbanes |
| Bryan | Metzenbaum | Simon |
| Cohen | Mikulski | Smith |
| Dodd | Mitchell | Wirth |
| Kerry | Moynihan | |

NOT VOTING—3

| | | |
|---|---|---|
| Burdick | Gore | Helms |

So the motion to lay on the table the amendment (No. 2778) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2780

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Colorado. 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 North Dakota [Mr. BURDICK] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 43, as follows:

[Rollcall Vote No. 157 Leg.]

YEAS—54

| | | |
|---|---|---|
| Adams | Durenberger | Mikulski |
| Akaka | Exon | Mitchell |
| Baucus | Ford | Pressler |
| Bentsen | Fowler | Pryor |
| Bond | Graham | Riegle |
| Boren | Gramm | Rockefeller |
| Breaux | Grassley | Sanford |
| Bumpers | Harkin | Sasser |
| Burns | Hatch | Seymour |
| Byrd | Heflin | Shelby |
| Cochran | Inouye | Simon |
| Conrad | Jeffords | Simpson |
| Craig | Johnston | Stevens |
| Cranston | Kassebaum | Symms |
| Daschle | Kerrey | Thurmond |
| DeConcini | Kohl | Wallop |
| Dixon | Lott | Wellstone |
| Dole | Mack | Wofford |

NAYS—43

| | | |
|---|---|---|
| Biden | Hatfield | Nickles |
| Bingaman | Hollings | Nunn |
| Bradley | Kasten | Packwood |
| Brown | Kennedy | Pell |
| Bryan | Kerry | Reid |
| Chafee | Lautenberg | Robb |
| Coats | Leahy | Roth |
| Cohen | Levin | Rudman |
| D'Amato | Lieberman | Sarbanes |
| Danforth | Lugar | Smith |
| Dodd | McCain | Specter |
| Domenici | McConnell | Warner |
| Garn | Metzenbaum | Wirth |
| Glenn | Moynihan | |
| Gorton | Murkowski | |

NOT VOTING—3

| | | |
|---|---|---|
| Burdick | Gore | Helms |

So the motion to lay on the table the amendment (No. 2780) was agreed to.

AMENDMENT NO. 2781

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Iowa, on which time remains.

Mr. DOLE. How much time is remaining on this side?

The PRESIDING OFFICER. The Republican leader has 4 minutes, 32 seconds. There are 7 minutes remaining for the proponent.

Mr BUMPERS. Mr. President, I yield 4 minutes to Senator DOLE.

Mr. DOLE. Mr. President, I am told that the amendment offered by the Senator from Iowa [Mr. HARKIN] supposedly addressed itself to so-called abuses of travel by officials in the executive branch.

I am told that the amendment prohibits traveling to political events by these officials. Mr. President, there must be some mistake. I must have a copy of the wrong amendment. The amendment does not try to reduce spending by eliminating unnecessary travel or even political travel. It says that for a 35-day period no one covered

individual may travel more than an amount determined by computing past or similar travel using three formulas. That 35-day period starts October 1, this year, which ends a day after election, this year, 1992—not 1994, not 1996, but 1992.

My colleagues in the West might be interested to know that at the height of the fire season, you might be restricting supervisors of fire fighters from traveling, unless the supervisor was already a high flyer. My colleagues from farming areas might want to know that if disaster strikes in the growing season, officials who would be assisting with the disaster assessments and ensuring prompt payments, may be prohibited from doing so. Officials from the USDA might not get to travel to trade negotiations to stick up for our farmers.

Senators from the cities might want to know that food safety and inspection officials might not be dispatched to immediately address outbreaks of disease.

Mr. President, there is no provision prohibiting types of travel as suggested by the author. There is no effort made to save money, to reduce the deficit, or bring a reasonable reform to Government travel. This amendment is no bull-in-the-China-shop approach either—it is more like a nuclear aircraft carrier than a China shop. It is wrongheaded, and it does not address the concern expressed by the Senator from Iowa, and it will likely cause substantially more damage than cure.

Mr. President, further, if we are going to start playing these petty political games, there will be no more time agreements. And I have a feeling, if this amendment passes, it is going to be offered to every bill. We will offer one on the legislative appropriations bill that says no congressional staff can travel for 35 days and no Senator can travel, at any expense, who is up for reelection for 35 days.

This is nothing but pure petty politics. It ought to be defeated by a vote of 99 to 1. Let the Senator from Iowa vote for his own amendment. If we are going to play these games, no more time agreements. This is pure politics. It is an insult to a lot of good people in the Federal Government, who, I think, work hard. They do not participate in politics, and they are there to serve the public, so take a shot at them because they might be Republicans. That is fine. We are ready to play the game.

I am going to move to table the amendment. If it is not tabled, there will be no more time agreements on anything until we straighten this out.

Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The sponsor still has 7 minutes.

Who yields time?

Mr. HARKIN. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The managers have 1 minute, 20 seconds. The Senator from Iowa has 7 minutes.

ADDITIONAL COSPONSOR

Mr. HARKIN. I ask unanimous consent to add Senator DECONCINI as a cosponsor of the amendment.

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

Mr. HARKIN. Mr. President, first of all, to respond to the distinguished Republican leader, this only covers 1992, because that is all the appropriations bills cover. It would be October, the first month of the fiscal year. That is why it does not cover any other years.

Second, I also say this does not cover career employees who would be working on disaster assistance programs or things like this. They are fully allowed to go out and cover any kind of disaster they need to cover.

The minority leader notes exactly what this covers—the kind of abuse we just saw reported from the Department of the Interior, where every election year they are like swarms of locusts, and they go out about the land and do it on taxpayers' money. I have no problem with political appointees going out and campaigning as allowed by law. That is fine, but not on the taxpayer's nickel. For the month of October, any employee that is so covered, schedule C or executive schedule, political appointees, they can travel; but they just cannot do it any more than they did a year ago during the same period of time. That is all. We are just saying do not have this big mushroom effect where, all of a sudden, 1 month before the election, all they do is go out and campaign for officials.

This is a good-government amendment. It is modest. We are not saying stop all travel. We are saying do not do any more than what is normal and sort of accepted in practice. That means they can still go out and visit all of the things that the minority leader addressed himself to, but none of this stuff where we see this huge mushrooming of traveling around the country 1 month before the election at taxpayers' expense.

I direct your attention to this article that was in the Washington Post: "Travel Expenses Over $3,000 for Two Employees To Go Out and Campaign." That is what they did—a pure political practice. I think we ought to call an end to it. The taxpayers deserve a little better with their tax dollars.

Mr. DOLE. Why does this amendment not cover the committee staff in the Senate who have been going out for the last 30 days having little hearings and doing things out there for those who might be running in that particular area? Why did it not cover congressional staff? Why just executive?

You have a double standard here. That is the way it works. It seems to me that this amendment should not even be considered. If somebody is violating the law, why do you not file a complaint with the Justice Department and have them indicted or something, or get a special prosecutor. You are good at that on that side of the aisle. Maybe you can run down this guy that spent $3,000 and lock him up.

This is crazy stuff. If it is going to happen, we are going to include the committee staff and congressional staff, your office staff, and even Senators who are up for reelection.

The Senator is saying the schedule C people and people who are supposed to know the most cannot go out anywhere for 35 days. I say again that is an insult to a lot of good people who work for the Government. They happen to be schedule C. Maybe in this case they are Republicans. He could make this permanent law. It does not have to be restricted to 35 days. This happened to single out 1992.

It seems to me that if we want to start playing that game, if hardball season is here, then we are prepared to play hardball.

I will move to table the amendment. The Senator has not yielded back.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes and 45 seconds remaining.

Mr. HARKIN. I said congressional staff should not be traveling.

Mr. DOLE. Put it in here.

Mr. HARKIN. They should not be traveling any more than what travel they traveled last year. If they have to go out and travel, fine, but not any more than last year. There should not be a more mushrooming effect here than the second amendment.

Mr. DOLE. Why do you not offer an amendment——

The PRESIDING OFFICER. The Senator from Kansas is out of order.

The PRESIDING OFFICER. The Senator from Iowa retains the floor. The Senator from Iowa has 4 minutes remaining.

Mr. HARKIN. Mr. President, if someone wants to offer an amendment saying congressional staff should not travel more in October than they did last year, I would be the first to support that. That is not covered in this bill. This covers part of the executive branch. If they want to do that, fine. They should not be traveling. We should eliminate that kind of political campaign done at taxpayers' expense.

This is what this amendment seems to do. I did not think that onerous. It evidently must be to some people, but not to me. It is onerous to see people going out there and campaigning in October. They are doing it on taxpayers' dollars. That is what is onerous. I hope it passes. It is modest. It does not say

they cannot do it anymore this year than last year.

Mr. DECONCINI. Mr. President, will the Senator yield for a question?

Mr. HARKIN. I yield for a question.

Mr. DECONCINI. Is the Senator aware that some of these political appointees of this administration traveled to the Democratic convention in New York to do a hit on Governor Clinton and it was paid for by the taxpayers? One of those was our esteemed drug czar, Governor Martinez. And there he is with 42 percent of his office political appointees, up there as a politician, not tending to the drug business but up there doing a political hit at the cost of the taxpayer. Would the Senator think that is a little bit out of line?

Mr. HARKIN. I was not aware of that. I think it out of line doing that in July. What is going to happen in October was what we are trying to amend to limit this practice. I know it has been going on a long time. It is time we end this long-time practice. If they want to use the Republican Party money or Democratic Party money, go out and do that, but not the taxpayers' money.

If no one else on my side of the aisle seeks time, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Mr. DOLE. Mr. President, I move to table the amendment and 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. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The question is on the motion to table.

The majority leader.

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

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

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Senator from Iowa be permitted to address the Senate for 3 minutes, following which I be permitted to address the Senate for 3 minutes.

The PRESIDING OFFICER. Without objection, it is ordered.

The Senator from Iowa is recognized for 3 minutes.

Mr. HARKIN. Mr. President, after consultation with the majority leader and the majority whip, it would be my intention to ask unanimous consent to withdraw this amendment. I wanted to make it very clear, however, to the distinguished minority leader in his comments and to those who were here, that this is an appropriations bill only for the Department of Agriculture and related agencies and it does not cover anybody employed anywhere else. So the amendment only covered those employees of the Department of Agriculture and related agencies. It could not reach out to anyone else. It had to be germane to this bill and cover only this appropriations measure. That is why it covered those employees. I wanted to make that very clear.

Mr. President, I must admit being somewhat disturbed by the comments that were made by the distinguished minority leader. I have a great deal of respect for the Senator from Kansas and he knows that. But, quite frankly, what we heard tonight was a direct threat, a direct threat to this institution to shut it down.

We hear a lot of talk about gridlock. That is what Mr. Perot was campaigning about. That is what the American people are upset about: gridlock. We just heard the most blatant threat of gridlock, to close this place down, shut it down so we cannot operate if we move ahead with this amendment.

This amendment shuts down some of these blatant political abuses. It was a threat to really engage in gridlock here on the Senate floor. That is politics. That is politics. This amendment is not politics. This amendment is to stop political abuses or at least to try to temper them somewhat, to try to cut down on the political abuses. But the threat that we just heard to close this place down, to provide gridlock here on the Senate floor so that we cannot move ahead with anything, that is politics. That is what the American people are sick and tired of.

We are going to have this amendment again. We are going to have it again because it is in the right vein. It is what the American people want. They do not want their taxpayers' dollars used by political appointees going around campaigning around this country. And what they do not want is any more gridlock on the Senate floor either. I do not think we need any more threats of gridlock when people offer amendments. We ought to have a vote on it and vote it up or down; and if I lose, I lose; if I win, I win. But we ought to have that vote. But because of that threat, Mr. President, I am going to have to ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Iowa?

The Chair hearing none, without objection, the request is agreed to.

The amendment (No. 2781) was withdrawn.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. I ask unanimous consent following my remarks the distinguished Republican leader be recognized to address the Senate for 3 minutes.

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

Mr. MITCHELL. Mr. President and Members of the Senate, it is obvious that there is significant disagreement on this amendment here this evening. But there is one thing on which there ought to be no disagreement and that is that taxpayers' money ought not to be used by public officials in whatever capacity to engage in political campaigning. The amendment seeks to address an abuse.

The suggestion was made by the Republican leader that the amendment ought to include employees of the legislative branch. I have asked the chairman of the Rules Committee, Senator FORD, to review the matter with his colleagues on both sides of the aisle and to draft legislation that would accomplish what I think we all share as a common objective. And that if there are abuses of the public trust, by persons in whatever capacity—executive, legislative or other—they ought to be stopped and we ought to have a way to do it that would be the subject of agreement among Senators and not disagreement. And I hope very much that that would be accomplished and we will be able to vote on that in the near future.

In the meantime, I thank the Senator from Iowa for his courtesy in withdrawing the amendment and permitting us to proceed.

There is one comment by the distinguished Republican leader with which I must express my disagreement, respectfully. We are friends and will continue to be.

The suggestion was made that this amendment was purely political and that it was the beginning of hardball. With all due respect, I will say that I have been majority leader 3½ years and I and many of our colleagues have voted on literally dozens of amendments that we regarded as purely political and serving no useful purpose. So I guess it is a matter of subjective judgment.

If it is a political amendment, it is surely not the first to be offered in the Senate and not the first this year, perhaps not even the first this month. So I do not think anything began here this evening. I think if we all made up a list of some of the amendments that have been offered and voted on in the Senate over the past 3½ years, we would find more than enough amendments that every single Senator could reach a con-

clusion were political in nature and were intended for no purpose other than to embarrass other Senators or to force them to vote.

One of the things I have tried to do as majority leader is to reduce the number of votes cast because it has been my conclusion that a large number of the votes we cast are extraneous to the legislative purpose and have, frankly, purely political purposes. And it is nothing new around here.

So I respectfully disagree, both in the characterization of this amendment and the suggestion that somehow if it is a politically inspired amendment, it is the first time it has happened or it is the beginning of something around here. Perhaps it will be the end of something around here which we could all applaud.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. I thank the majority leader and the Senator from Iowa for withdrawing this amendment. We spend a lot of time here trying to accommodate everybody. I think I have been accommodating over the years, spent a lot of time trying to put time agreements together, and maybe I was not alert earlier on to this amendment. I am not certain it applies just to agriculture. It says, "No funds appropriated under this or any other act may be expended." I do not know what "any other act" may mean, but it seemed to be a fairly broad amendment.

In any event, we have the Hatch Act. If there was a violation of the Hatch Act, it ought to be pursued and I think the majority leader—I would agree, let us direct somebody to take a look at it. If somebody is out there using taxpayers' money for political purposes, whether it is political staff or personal staff, or whether it is executive staff, then it should not happen.

But it seems to me that when this amendment was offered—it covers a 35-day period this year, between October 1 and November 5. It would not take a rocket scientist to figure out what the aim of the amendment is. And I am not a rocket scientist, but I figured it out after somebody explained it to me.

So it seemed to me to be fairly partisan.

We have had political votes here, yes. And I kept saying—I do not think we ever had one like this, but I will go back and search the record.

I did not threaten to close down the place. I did say there would be no more time agreements. That would not be closing it down, just slow it down a little, not close it down. So I make that clear.

I do not have any quarrel with the Senator from Iowa. We have both been "Presidents" of Iowa and got along fairly well over the years.

So, it is as far as we got, but it was worth it.

In any event, I will be happy to work with the majority leader, in any way he wishes, to try to expedite the business of the Senate. And I think this is a good result.

If the distinguished Senator from Kentucky comes up with a broad amendment that will cover everybody, then I think it will probably be accepted.

I yield back the floor.

USDA REIMBURSEMENT FOR SENIOR CITIZEN MEALS UNDER THE OLDER AMERICANS ACT

Mr. ADAMS. Mr. President, I would like to commend the Appropriations Committee for bringing a thoughtful fiscal year 1993 funding bill to the floor under very difficult financial circumstances. I would like to address, however, a matter of grave concern to me, USDA reimbursement for senior citizen meals.

Under the Older Americans Act [OAA], which we hope to complete reauthorization of shortly, the USDA provides reimbursement for each meal served by OAA programs. This per meal rate is essential to senior meals providers across the country. Unfortunately, the current rate of 56.76 cents per meal has been fixed since 1987, and must be increased to help offset increased costs for food, personnel, and so forth. Congregate and home-delivered meals providers are struggling to maintain services despite impressive efforts to raise funds from every source imaginable. In the absence of an increase in the USDA rate, however, meals providers will be forced to reduce the number of meals served and, in some cases, will close meal sites.

That is why the pending OAA reauthorization bill includes a much needed increase in reimbursement to 61 cents per meal for fiscal year 1992 and indexes the rate in future years. I was delighted that the committee provided for fiscal year 1992 $151.492 million to ensure reimbursement at the 61 cents per meal rate. Unfortunately, the USDA has refused to provide the increased rate in the current year because we have not yet reauthorized the OAA.

As chairman of the Subcommittee on Aging, I am very concerned about the impact of the level of appropriation provided for fiscal year 1993. I understand that the committee has provided a level of funding based on the USDA's prediction that 248 million meals will be served in fiscal year 1993, the same number of meals that the USDA claims will be served in fiscal year 1992. Furthermore, the USDA indicates that there will be a surplus in the fund that will allow for a higher per meal reimbursement as provided for in the pending OAA reauthorization bill.

Mr. President, I hope the USDA is correct, that there will be a surplus and that it will allow the reimbursement level that both the Senate and House have agreed to in the OAA reauthorization bill. But I don't think nutrition program managers will bank on that. And I don't think we can either. This is something that we must monitor closely in the coming months, not wait and see what happens at year's end.

I commend the distinguished Senators from Arkansas, Senator BUMPERS and Senator PRYOR, for expressing their serious concerns about this matter. I intend to work closely with both Senators BUMPERS and PRYOR to monitor this situation and, if it appears that adequate funds are not there to provide the authorized USDA per meal rate, to do all we can to seek additional funds specifically for this purpose. Older Americans especially low-income and minority seniors, who depend upon the meals served by this safety net program, deserve no less of a commitment from us.

Mr. DODD. Mr. President, on many occasions in this Chamber we have talked about the decline in the defense budget, and the impact of those defense cuts on working men and women across the country. Today, with the consideration of this appropriations bill, we now have a chance to do something about this very important problem.

I want to commend the chairman of the Subcommittee, Senator HOLLINGS, and the ranking minority member, Senator RUDMAN, for their foresight and initiative in putting together the economic conversion package contained in this bill. And I also want to commend Senator PRYOR for his work as chairman of the Conversion Task Force, which was behind many of the recommendations in this bill today.

Mr. President, the end of the cold war brings promise and hope to every generation of Americans. But for the loyal workers in our defense industries—the true veterans of the cold war—the short-term future is very dark indeed. It is a sad but unavoidable irony: that the very people who brought about the collapse of communism will suffer the most for their efforts.

Over the next 10 years, some 2.5 million people will be thrown out of work, their crime nothing more than a job well done. In Connecticut alone, 37,000 people will be out of a job by the year 1997. These people have done nothing wrong. They have not failed in their jobs. Rather, they have served their country loyally—and with great pride and honor.

And now we must take stock of our obligation to them.

Just last Friday, Mr. President, the Senate Armed Services Committee approved a defense authorization bill that earmarks $1.2 billion of conversion assistance. That bill lays the groundwork for the bill we are considering today, and I'd like to take this opportunity to highlight some of its provisions.

For workers and military veterans, the bill contains $50 million for assist-

ance to displaced defense workers under title III of the Job Training Partnership Act, early retirement incentives for members of the armed services, and separation pay for reservists who are involuntarily separated.

For communities, the bill contains $20 million for planning grants for impacted communities through the Office of Economic Adjustment, $150 million for public works projects in impacted communities through the Economic Development Administration, and $58 million for school districts in impacted areas.

For companies, the bill contains $100 million for industry partnerships in critical dual-use technologies, $50 million for industry partnerships designed to enhance commercial-military integration, $100 million for industry partnerships designed to strengthen regional technology alliances, and $25 million to enhance defense advanced manufacturing technologies.

The bill also includes $100 million for State and local manufacturing extension programs, $30 million for manufacturing engineering education programs, and $200 million to support Federal, State, and local programs designed to enhance dual-use technology and strengthen small businesses.

That was a good start, Mr. President, in finding a solution to the problems created defense cuts. The bill before us today represents another important step forward.

To help defense industries and workers find new lines of commercial work, the bill sets aside $109 million of technology extension services through the National Institute of Standards and Technology, $80 million of public works projects through the Economic Development Administration, and $40 million of small business assistance through the Small Business Administration.

Each of these provisions, Mr. President, would be worthy of note on its own merits. The $109 million for technology assistance, for example, will allow defense-dependent regions like New London, CT, to compete for a Federal technology extension center. Such a center could provide small- and medium-sized businesses with access to the latest in off-the-shelf technology, allowing them to modernize and convert their product lines.

The $40 million in loan guarantee assistance will help small businesses obtain the capital they need to diversify their production. And it will provide additional assistance to help former defense workers start up their own businesses.

Taken together, this is a very strong package. The Senator from South Carolina and the Senator from New Hampshire should be proud of their work.

Many times before in this Chamber, I have joined with Senator PRYOR and other members of the Task Force on Conversion to talk about the issue of economic conversion. Today we are doing something—for America's defense industries, for America's local communities, and most important, for America's workers.

IN SUPPORT OF THE FIVE-STATE SWINE CONSORTIUM

Mr. DIXON. Mr. President, as we consider the fiscal year 1993 Agriculture and Rural Development Appropriations bill on the Senate floor today, I rise in support of the Five-State Swine Consortium.

The University of Illinois, Iowa State University, the University of Minnesota, the University of Nebraska, and South Dakota State University are all members of this consortium, which is managed through the Bioenvironmental Engineering Laboratory at the University of Illinois.

The purpose of this program is to help make the United States a more competitive force internationally in swine production, and assure a profitable future for our country.

Mr. President, the swine industry is a $10 billion business in the United States. More than 60 percent of this production is in the five States which make up the consortium—Illinois, Iowa, Minnesota, Nebraska, and South Dakota.

For our country to successfully compete in the world market we need to develop and improve our swine production and management systems. As it is now, the European markets are way ahead of the United States in funding research programs in this field and are rapidly improving their efficiency and profitability.

The Five-State Swine Consortium will allow the pork producers to develop production and management systems that will improve animal health, reduce the needs for antibiotics, protect air and water quality, safeguard operator health, and enhance economic efficiency.

This industry is crucial to America's rural economy and the Consortium will allow us to be viable in the international market. When our farmers suffer, we all suffer. When our farmers prosper, so does our country.

Specialists in agricultural engineering, animal sciences, agricultural engineering, and veterinary medicine will work together to determine how to improve swine production.

There are many factors involved in the pork industry and it is important to study how they relate to the overall picture. The Consortium will allow these experts to develop technologies and strategies that will provide a cleaner and healthier environment for pigs and the swine facility operators.

My home State of Illinois is a large pork producing State and I know firsthand how important the pig farmers are to our economy.

I urge the U.S. Department of Agriculture to support the Five State Swine Consortium in its mission to improve the United States swine production industry. It is important that the United States industry develop and adapt better technologies, allowing our own farmers to compete with their European counterparts.

Mr. BUMPERS. Mr. President, I recognize the importance of the pork industry in our country and support the Five-State Swine Consortium in its quest to strengthen the U.S. International Competitiveness.

Mr. DIXON. on behalf of my State of Illinois and the other pork producing States, I thank the distinguished Senator from Arkansas.

FREEMAN CENTER FOR INTERNATIONAL ECONOMIC STUDIES

Mr. DURENBERGER. Mr. President, I supported funding an agriculture program on North American economic integration in the fiscal year 1993 Agriculture, Rural Development, and related agencies appropriations bill. This program would be located at the Freeman Center for International Economic Studies at the University of Minnesota.

The subcommittee was unable to fund this important program. However, this program must still go forward. As the United States moves toward a North American free market with Mexico and Canada, our agricultural producers need to be able to fully take advantage of these markets. This project at the University of Minnesota would enable U.S. producers to target key agricultural sectors for maximum growth, production, and investment.

It is my hope that the distinguished Senator from Arkansas who is managing this bill would support this concept. By supporting this important project, the Appropriations Committee would be sending a strong signal to farmers that we are going to help them take advantage of the new North American markets.

Mr. BUMPERS. Mr. President, I support the Senator from Minnesota's concept for an Agriculture program on North American economic integration. This program would provide significant help to farmers who will need to understand how they can most effectively take advantage of these markets. This program is meritorious. Unfortunately it came to the committee late and the committee could not consider it this year. However, I assure the Senator that this project will be given the committee's full consideration next year.

The committee urges the Department of Agriculture to work with the Freeman Center for International Economic Studies at the University of Minnesota to help facilitate this project.

VISION 2000—FOOD ANIMAL PRODUCTION MEDICINE CONSORTIUM

Mr. DIXON. Mr. President, as we consider the fiscal year 1993 Senate Agriculture and Rural Development Appro-

priations bill, I rise to support a program of which the University of Illinois is a participant: the Vision 2000 Program, or the economically sound preharvest food safety proposal of the Food Animal Production Medicine Consortium.

The food supply in the United States is among the safest in the world. However, serious illness and death occur each year from food contamination. Consumer alarm is escalating over the dangerous contamination of meat and dairy products from microbes such as salmonella and campylorbacter, and from chemical contaminators including hormones, sulfa residues, and pesticides. Trade barriers are placed upon American meat products by foreign trading partners because of alleged food safety concerns.

If these problems are to be corrected, a comprehensive sequence of food safety research and education programs are essential. Although Federal inspection programs exist at the processing level, little attention is directed to livestock surveillance prior to leaving the farm, where nearly all bacterial hazards enter into the food chain and are spread. This program, Vision 2000, was developed to deal with food contamination before it begins.

The Food Animal Production Medicine Consortium was established by six land-grant universities: the University of Illinois, Kansas State University, Michigan State University, the University of California, the University of Florida, and the University of Nebraska. Comprised of interdisciplinary teams of scientists, the Consortium will investigate animal health problems and practices on the farm that lead to contamination. The program will focus on improved detection and correction systems, information extension to farmers, and veterinary training in the food safety field.

In the fiscal year 1993 budget proposal from the President, the Department of Agriculture is requesting $115 million under the Food Safety Initiative Program. The food safety inspection service and the Agriculture Research Service will use this funding to conduct research that parallels the studies to be explored by the consortium. I would like to urge consideration to provide funding of this consortium from within the Food Safety Initiative Program.

In closing, Senator BUMPERS. if we are to be thorough in reaching the highest food safety standards for our citizens, we must start on the farm. The Food Animal Production Medicine Consortium and the Vision 2000 Program provide the key component towards a comprehensive effort to maintain the safety of our food supply.

Mr. BUMPERS. Thank you for calling our attention to this important research project. I too agree that food safety is a concern among increasingly health-conscious Americans. I support the establishment of a program such as the Food Animal Production Medicine Consortium which will take steps to examine and address food hazards at the source.

PEANUT RESEARCH UNIT—STILLWATER, OK, AGRICULTURE RESEARCH SERVICE

Mr. NICKLES. Mr. President, I thank the managers of the bill, Senator BUMPERS and Senator COCHRAN, for allowing me to clarify for the record the funding status of the Agriculture Research Service's peanut research unit in Stillwater, OK.

As the Senator knows, in 1990 the ARS proposed terminating research activities at the Stillwater unit and transferring its budget to ARS facilities in Georgia. Senator BOREN and I worked to prevent this from happening, and I authored bill language on this measure last year to prohibit ARS from shutting down the Stillwater unit.

The fiscal year 1993 ARS budget for the Stillwater unit is $273,300. Because this funding level is insufficient to conduct the vital research needed by the entire Southwestern U.S. peanut industry, I requested that the committee provide a $257,700 increase in the Stillwater unit's budget. Unfortunately, the committee was unable to fund my request or any other member's request for additional ARS research program funding. Thus, the Stillwater unit will be forced to operate for another year with a less-than-sufficient budget. Although I am disappointed about this situation, I wanted to clarify for the Record that the committee's decision with regard to my request does not prejudice future consideration of funding increases for the Peanut Research Unit in Stillwater.

Mr. BUMPERS. I thank the Senator from Oklahoma for his comments with regard to the peanut research unit in Stillwater, OK. I would like to respond on behalf of the subcommittee chairman, Senator BURDICK. Although we regrettably were unable to provide his requested funding increase for this facility, we were likewise unable to provide funding increases for any other ARS research program in the country. The Stillwater unit is funded at the 1992 level, and the committee intends for ARS to utilize this funding to operate the Stillwater unit during fiscal year 1993.

Mr. COCHRAN. I, too, would like to thank the Senator from Oklahoma for his interest in this matter. The committee provided language in the report accompanying this bill which urges the ARS to expand research activities at Stillwater. As the Senator knows, our funding allocation did not allow us to fund new research initiatives this year. However, we are well aware of the benefits provided by the peanut research unit at Stillwater as we anticipate that they will continue to produce such benefits in fiscal year 1993.

CLINICAL PHARMACOLOGY TRAINING PROGRAM

Mr. DIXON. Mr. President, as we consider the fiscal year 1993 Senate Agriculture and Rural Development appropriations bill, I rise to support an amendment which will provide $1.9 million for the Clinical Pharmacology Training Program for the Food and Drug Administration.

More and more we are experiencing dangerous delays in new drug development and approval for treating diseases such as AIDS, breast and prostate cancer, hemophilia, and cystic fibrosis.

These delays are fueled by the shortage of medical personnel trained to conduct clinical drug trials.

Illinois is responding to this urgency with the creation of a unique technology transfer program, the Peoria medical research project. In conjunction with the University of Illinois College of Medicine, the consortium will accelerate drug development from the testing phase to the marketplace. The Clinical Pharmacology Training Program is the key component of the consortium which will provide this important training.

The Clinical Pharmacology Training Program is hailed by the National Technology Transfer Center in Wheeling, WV, as an important first—involving a Federal regulatory agency in a research and development consortium. The Food and Drug Administration has worked at great length to establish this project and fully supports the program.

Mr. President, thousands of lives are lost each day to AIDS and other diseases—lives that might have been prolonged if promising drugs were readily available rather than bogged down in bureaucracy. Safe and thorough testing and the swift introduction of these drugs into the marketplace are imperative if we are to make any acceptable inroads into fighting these diseases. The Clinical Pharmacology Training Program will solve this problem, and I urge my colleague's support of this amendment.

Mr. DODD. Mr. President, earlier today, the Senate considered a series of amendments offered by the distinguished Senator from Florida [Mr. GRAHAM], to freeze spending for various Commerce-State-Justice programs at fiscal year 1992 levels.

There is no doubt that we live in a world that has changed radically and fundamentally in the course of the past year. We should reexamine our spending priorities in light of those changes. We should bring resources home, and work on our problems here in America.

So, with that in mind, I supported freezing the budget for the Department of State. With the cold war now over, it simply does not make sense to keep increasing the budget for diplomats and foreign policy analysts. With the need diminished, the State Department should learn to make do with less.

But I could not support an across-the-board freeze on the Justice Department, because that Department must spearhead the war on crime. It must continue to channel needed resources to police departments across the country.

I also could not support an across-the-board freeze on the Commerce Department. We need a plan to pull our Nation out of the recession. We need to bolster the economic competitiveness of American businesses. And we need to help defense workers and defense companies adjust to reduced defense spending. The Commerce Department is the best agency to coordinate all of these missions, and it would be penny-wise and pound-foolish not to give it the resources it needs to carry out these responsibilities. For this reason, I opposed the Graham amendment to freeze Commerce Department funding.

SWEET POTATO WHITEFLY

Mr. SEYMOUR. Mr. President, I would like to engage Senator BUMPERS, acting chairman of the Agriculture Appropriations Subcommittee and Senator COCHRAN, the ranking minority member in a colloquy regarding funding for biological controls for the sweet potato whitefly. I would first like to thank Senator BUMPERS and Senator COCHRAN for their efforts to assist California producers who suffered crop losses last year due to this notorious pest.

In the fall of 1991 a resilient strain of the sweet potato whitefly infested California's Imperial and Riverside Counties. Due to lack of known effective pesticides or natural predators, the whitefly outbreak decimated fall crops. Crop losses alone reached $125 million, while related economic losses to local communities reached almost $170 million. More than 4,000 jobs were lost in California. On November 9, 1991, California Governor Pete Wilson declared a state of emergency for Imperial and Riverside Counties.

The whitefly is a serious threat not only to California, but to Mississippi, Arkansas, Texas, and Arizona. Unfortunately, the Senate Agriculture Appropriations Subcommittee has appropriated only $850,000 for biological control measures nationwide for this harmful pest. The House appropriated $3.5 million, which leaves this issue open to negotiations during conference.

The importance of controlling this pest is directly related to California's economy, not only in Riverside and Imperial Counties, but throughout the State. I ask Senator BUMPERS and Senator COCHRAN if they feel there will be an opportunity to increase APHIS funding for whitefly control efforts during the conference with the House?

Mr. BUMPERS. As Senator SEYMOUR has indicated, the sweet potato whitefly is a serious threat to numerous crops throughout the United States. The House did appropriate $3.5 million for control efforts, while the Senate appropriated $850,000. I note the subcommittee did allocate $1.4 million for whitefly research funding for the Agricultural Research Service. But, the Senator makes a good point, and we should look into increasing the Senate figure.

Mr. COCHRAN. I appreciate Senator SEYMOUR'S bringing this issue to our attention. Senator SEYMOUR has fought valiantly for the last year for funding for research and to control this pest. The Senator is correct, the whitefly is a serious threat to producers not only in California, but in Mississippi and Arkansas as well. I think that we should recognize the serious threat this pest poses, and consider doing whatever we can to increase APHIS whitefly appropriations during conference.

PEANUTS

Mr. FOWLER. It is my understanding that the former Soviet Republics are in need of a minimum of $50 million of peanuts and peanut products. It is their hope to put this nutritious product, not only on the shelves of their stores, but also in their feeding programs within the schools. It is also my understanding that the Senate Agriculture appropriations report contains language that supports this inclusion of peanuts and peanut products in the GSM credit program for the former Soviet Republics. Is that the understanding of the Senator from Arkansas?

Mr. BUMPERS. The Senator from Georgia is correct.

ELDERLY FEEDING PROGRAM

Mr. BUMPERS. Mr. President, I have long been an ardent supporter of the elderly feeding programs. The senior citizen centers serve congregate meals and meals-on-wheels to senior citizens across the country. I frequently visit the centers in my State, and I can tell you the benefits of the senior meals programs are tremendous. The benefits go beyond the nutritious meals seniors receive. For seniors who are homebound and receive meals-on-wheels, the regular contact with the person who delivers the meal can be an important part of the day, and the fellowship seniors enjoy while eating meals at the centers is an additional benefit of the program.

The senior citizen centers receive funding from the Department of Health and Human Services, appropriations for which are made by the Labor-HHS-Education Appropriations Subcommittee. In addition, the Agriculture Appropriations Subcommittee provides commodities, or cash in lieu of commodities, for the senior feeding programs. Some States elect to take all of their subsidy in cash and some States choose to receive a combination of cash and commodities. The reimbursement rate per meal is set by law, and the current rate is 56.76 cents per meal. The committee provided funding for the senior meals programs that is adequate to reimburse for 252 million meals in 1993. According to the USDA, this is an increase in the meals served from the 1992 level of 248 million.

Meals program administrators have justifiably complained that the per meal reimbursement rate has been frozen for the last 4 years, resulting in a decline in their purchasing power. This is a matter to be considered by the authorizing committee, not the appropriations committee. The authorizing committee has responded to this situation and has approved, as part of the reauthorization of the Older Americans Act, an increase in the reimbursement rate to 61 cents per meal. The Older Americans Act reauthorization is pending action by the full Senate.

If the reauthorization measure is approved, the current appropriation level will not allow for an increase in the number of meals served to senior citizens. According to the United States Department of Agriculture, the funding included in the bill will cover the same number of meals as served in 1992, 248 million.

The meals administrators dispute the USDA estimates. They admit that the number of meals is staying static or decreasing, but they say that is because the Older Americans funding, both commodities support and general operating support, is simply not keeping pace with inflation. They say the increased rate of reimbursement will allow them to make up years of lost ground and begin to meet the unmet needs of seniors.

I strongly support the increase in the reimbursement rate, and I would like to see an increase in the number of meals served to senior citizens. I am very troubled by reports that some feeding sites are being closed and some programs are reducing the number of meals they serve. If the reimbursement rate is increased and the demand for meal reimbursement increases, I will do everything I can as a member of the Appropriations Committee to secure supplemental appropriations for the program. I would be willing to press for greater appropriations now if I could make a clear case that the demand for senior meals, reimbursed at 61 cents per meal, will exceed the 248 million meals projected by the Department.

I want to alert the Senate to this potential problem and put them on notice that it may be necessary to look for additional funds for the senior meals program in fiscal year 1993.

Mr. PRYOR. Mr. President, included in the subcommittee's report is a $10 million decrease in the nutrition program for the elderly. This vital program authorized by titles III and VI of the Older Americans Act [OAA] provides commodities or cash in lieu of commodities used in preparing congregate and home-delivered meals for some of the most vulnerable of our elderly population. Currently, commod-

ities or cash in lieu of commodities are distributed through State agencies to local meal sites at a specific per meal rate of 56.76 cents.

The current USDA commodity reimbursement level of 56.76 cents per meal was frozen in 1987, resulting in a decline in real purchasing power for title III nutrition providers in each of the last 4 years. This reduced funding comes at a time when the elderly population, particularly the 85 plus population, is growing rapidly and when there are disturbing reports that many senior nutrition programs are closing sites or reducing the number of meals that they serve. The $10 million decrease in this vital program will have a devastating impact on these programs, causing additional closing of sites and reduction in meals served.

The Department of Agriculture asserts that there is a surplus of funds available to make up for the decrease in funds. In the coming months, I will be evaluating this position to ensure that there will be sufficient funding to prevent further erosion of the nutrition programs for the elderly. If this surplus is not available, I will work closely with my good friends, Senator BUMPERS and Senator ADAMS, to find ways to maintain at least current service levels of this important program. Moreover, I will continue my efforts to work towards assuring the increased authorization levels incorporated in the pending OAA reauthorization legislation, which Senator ADAMS has authored.

FDA ENFORCEMENT

Mr. D'AMATO. Mr. President, I want to commend the managers of this bill for addressing, through report language, several matters of serious concern regarding the Food and Drug Administration. The first involves reports of certain inefficient and excessive enforcement actions by the agency, and the second deals with the continuing backlog at the agency of pending new and abbreviated new drug applications. I ask that the Senate language, echoing similar concerns expressed by the House Appropriations Committee, be inserted in the RECORD at this point.

The Committee shares the concern of the House about reports of certain inefficient and excessive enforcement actions by the FDA, coupled with a continuing backlog of pending new and abbreviated new drug applications. In considering future requests for enforcement funding, the Committee intends to review FDA's efforts to eliminate the backlog and to achieve compliance with this statutory requirement for generic and brand-name drugs. The FDA is expected to apply its regulatory standards uniformly and consistently.

Mr. President, having called to the attention of my colleagues more than 9 months ago my concerns about apparently retaliatory treatment of a New York company at the hands of the FDA, I am pleased that managers of this bill have also expressed concerns about possibly inefficient and excessive use of the agency's enforcement powers. My concerns at that time centered around the agency's threatened shutdown of Barr Laboratories, a New York-based company and major producer of generic drugs that had testified before the House Energy and Commerce Committee in 1989 regarding unlawful actions by FDA staff and certain companies. As I stated at that time, I have no objections to FDA taking enforcement actions that are justified; in fact, I fully expect the agency to aggressively pursue those companies who violate the law. Nevertheless, I was, and continue to be, troubled by the appearance of retaliation in FDA's unusual effort to shut this company down entirely, rather than simply discontinuing those products about which the agency had raised concerns.

Mr. President, I understand that the case of Barr may be just one of several instances of apparently excessive enforcement activity on the part of FDA. I do not pretend to know the full extent of this problem, and I make no comment on the merits of any pending litigation involving Barr or any other company. However, I do know that any degree of inconsistency and inefficiency in FDA's use of enforcement resources—especially at a time when the agency has a significant backlog of pending new and abbreviated new drug applications—serves only to undermine the FDA's primary mission of ensuring that the American public has access to safe, effective, and affordable pharmaceutical products.

The public has a right to expect that FDA will be thorough and evenhanded in its inspection and enforcement of all drug manufacturers, whether generic or brand name; but when either the industry or the public perceive bureaucratic indulgence without demonstrable benefits, the entire enterprise of the FDA will crumble.

Again, I am pleased that the managers of the bill have noted concern about this situation. I fully share their expectation that the FDA apply its regulatory standards uniformly and consistently, and I intend to monitor the agency's actions closely to ensure that it does so.

Mr. LAUTENBERG. Mr. President, I want to highlight several items of importance to my State that are included in the Senate Agriculture appropriations bill for fiscal year 1993. I also want to extend my thanks to my distinguished colleagues, Senator BURDICK and Senator BUMPERS, for their efforts during a difficult time to prepare this bill.

RUTGERS PLANT BIOSCIENCE CENTER

At my request, the fiscal year 1993 Agriculture appropriations bill includes $3,044,000 for the construction of a Plant Bioscience Center at the Rutgers University Cook College of Agriculture. The Bioscience Center will provide a home for distinguished researchers in agricultural biotechnology and plant genetics. The 280,000 square foot Plant Bioscience Center proposal includes state-of-the-art laboratories, a research library, teaching classrooms and laboratories, and attached greenhouses.

Rutger's goal in developing this research complex is to integrate basic and applied research with extension activities to help ensure that agriculture in the Northeast remains profitable and environmentally sound. This center will be of great value to the agriculture and biotechnology communities in New Jersey and the Nation.

BLUEBERRY AND CRANBERRY RESEARCH

This bill also includes $260,000 for the Blueberry and Cranberry Research Center at the New Jersey Agricultural Experiment Station in Chatsworth, NJ. This center generates and disseminates research information directly applicable to the production of high-quality blueberries and cranberries and developes new disease resistant strains of fruit. In addition to the development of cultural techniques and procedures, breeding and genetics, the research of the center aims to minimize the use of pesticides in the culture of these two crops.

In my State, blueberries and cranberries are grown in the Pinelands Region, an area designated as a National Reserve in 1978 by Congress. The only agriculture permitted under law is the cultivation of indigenous species of blueberries and cranberries. The Pinelands Region sits atop the Mullica River watershed, which is considered the cleanest watershed on the East Coast. As a consequence, agricultural practices in this region must preserve the pristine nature of the watershed, yet provide an economic return to the farmers who depend on blueberries and cranberries for their livelihood.

In the past, funding secured by the Agriculture Appropriations Subcommittee has supported research on the development of disease resistant varieties of berries. Funds have also been used to develop new and safer pest control methods including integrated pest management. Research on the fate of pesticides in the bog environment is currently being undertaken to determine the movement of pesticides used in cranberry and blueberry culture. This research typifies the contribution made by the center to the production of blueberries and cranberries in the ecologically sensitive wetland areas where they are grown.

The State/Federal Research Program at the Research Center benefits not only the cranberry and blueberry industry in New Jersey, but also consumers of these berries across the country who enjoy improved varieties of cranberries and blueberries.

IR-4 RESEARCH PROJECT

Mr. President, finally, the fiscal year 1993 appropriations bill also includes

$3.5 million for the interregional research project No. 4 ["IR-4"] headquartered at Rutgers Cook College in New Jersey.

The producers of the numerous small acreage minor crops do not always have the benefit of the modern pest management strategies available to producers of major large acreage crops. The IR-4 program was established to assist farmers and nurserymen obtain data on the safety and effectiveness of pesticides needed for Federal registration.

These pesticides are used for the protection of so-called minor crops, which include most vegetables and fruits, as well as nursery and floral crops. Minor crops are the foods we eat everyday—vegetables, fruits and nuts. Nationally, minor crops comprise more than 40 percent of the value of all crops grown in the United States and approximately 70 percent of the value the crops grown in New Jersey. The IR-4 research activities promote new and safer pest control technologies for minor crops which ultimately mean safer foods produced with fewer pesticides.

IR-4 is a cooperative effort of the state agricultural experiment stations and the U.S. Department of Agriculture working in concert with the agricultural chemical companies and the Environmental Protection Agency to pursue registration of minor use pesticides through EPA. Without the data provided by this essential research, many currently labelled pesticide uses will be lost to farmers and nurserymen because the small volume of pesticides involved is not sufficient to justify the investment by pesticide manufacturers to obtain Federal registration.

The IR-4 research establishes the effectiveness of pesticides and their safety for crop use and determines the extent of residue levels, if any. The program ensures that information necessary for the registration of safe and effective pesticides is available.

Mr. DOMENICI. Mr. President, I rise in support of the Agriculture, rural development, and related agencies appropriations bill as reported by the Senate Appropriations Committee.

This bill provides $61 billion in new budget authority and $40.2 billion in new outlays for fiscal year 1993 for the programs of the Department of Agriculture, rural development, Food and Drug Administration, and related agencies.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill, as adjusted, totals $55 billion in budget authority and $45.8 billion in outlays.

I commend the distinguished subcommittee chairman and the ranking member for their support of $2.86 billion for the WIC Program, an increase of $260 million over 1992 levels.

I appreciate the subcommittee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep the bill within its allocation.

I urge the adoption of the bill.

Mr. BUMPERS. Mr. President, third reading.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The amendments were ordered to be engrossed and the bill (H.R. 5487) was read the third time.

Mr. WELLSTONE. 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.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from North Dakota [Mr. BURDICK] and the Senator from Tennessee [Mr. GORE] are necessarily absent.

Mr. SIMPSON. I announce that the Senator from North Carolina [Mr. HELMS] is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 88, nays 9, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—88

| | | |
|---|---|---|
| Adams | Ford | Metzenbaum |
| Akaka | Fowler | Mikulski |
| Baucus | Glenn | Mitchell |
| Bentsen | Gorton | Moynihan |
| Biden | Graham | Murkowski |
| Bingaman | Gramm | Nickles |
| Bond | Grassley | Nunn |
| Boren | Harkin | Packwood |
| Bradley | Hatch | Pell |
| Breaux | Hatfield | Pressler |
| Bumpers | Heflin | Pryor |
| Burns | Hollings | Reid |
| Byrd | Inouye | Riegle |
| Chafee | Jeffords | Robb |
| Coats | Johnston | Rockefeller |
| Cochran | Kassebaum | Sanford |
| Cohen | Kasten | Sarbanes |
| Conrad | Kennedy | Sasser |
| Craig | Kerrey | Seymour |
| Cranston | Kerry | Shelby |
| D'Amato | Kohl | Simon |
| Danforth | Lautenberg | Simpson |
| Daschle | Leahy | Specter |
| DeConcini | Levin | Stevens |
| Dixon | Lieberman | Thurmond |
| Dodd | Lott | Warner |
| Dole | Lugar | Wellstone |
| Domenici | Mack | Wofford |
| Durenberger | McCain | |
| Exon | McConnell | |

NAYS—9

| | | |
|---|---|---|
| Brown | Roth | Symms |
| Bryan | Rudman | Wallop |
| Garn | Smith | Wirth |

NOT VOTING—3

| | | |
|---|---|---|
| Burdick | Gore | Helms |

So the bill (H.R. 5487), as amended, was passed.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I move that the Senate insist upon its amendments to H.R. 5487 and request a conference with the House on the disagreeing votes of the two Houses and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer [Mr. BRYAN] appointed Mr. BURDICK, Mr. BUMPERS, Mr. HARKIN, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. BYRD, Mr. COCHRAN, Mr. KASTEN, Mr. SPECTER, Mr. NICKLES, Mr. BOND, and Mr. HATFIELD conferees on the part of the Senate.

Mr. BYRD. Mr. President, I commend Senator BUMPERS, a very able member of the Appropriations Committee, who, in the absence of Senator BURDICK, the chairman of the Agriculture Subcommittee, steered the fiscal year 1993 agriculture appropriations bill through subcommittee and full committee markup and has done a remarkable job in managing H.R. 5487 during Senate debate on the bill. The distinguished Senator from Arkansas has demonstrated that he is very knowledgeable as to the subject matter contained in the bill and he and the distinguished ranking member, Senator COCHRAN, deserve great credit for a job well done in managing this bill to successful Senate passage in 1 day.

Mr. BUMPERS. Mr. President, I would like to pay a special tribute and express my profound gratitude to my good friend, the distinguished ranking member, Senator COCHRAN, for his cooperation in getting this bill out of here today. He has done a splendid job.

I also want to thank the majority staff: Rocky Kuhn, Dan Dager, and Carole Geagley; and I also want to thank the minority staff: Irma Pearson, Mary Tenenbaum, and Christie Gibson; and two members of my personal staff: Galen Fountain and Elizabeth Goss, all of whom worked diligently to bring about the successful conclusion of this bill this evening.

Mr. COCHRAN. Mr. President, I have a special announcement to make in connection with the staff who helped so diligently in bringing this bill to the Senate and helping get it passed tonight.

Irma Pearson is celebrating a birthday today. This is quite a way to spend your birthday evening, on the floor of the Senate helping to deal with the issues as they arise. I commend her especially for her good work. I want to thank Rocky Kuhn, as well; and Mark Keenum, of my personal staff, who spent considerable time and effort in helping to deal with the issues and passage of this bill.

I also have to say that the distinguished Senator from Arkansas did an exceptionally fine job managing this bill. He is standing in, as you know, for the distinguished Senator from North

Dakota [Mr. BURDICK]. We appreciate very much the efforts Mr. BURDICK has made in the early stage of the hearings and bringing this bill to the point where Senator BUMPERS was able to manage its passage.

We thank him for all the courtesies and consideration he has given in connection with the handling of the bill.

Mr. BUMPERS. I thank my distinguished colleague for his warm praise and generous words, Mr. President.

## MORNING BUSINESS

Mr. BUMPERS. Mr. President, I ask unanimous consent we be allowed to proceed with morning business, with Senators allowed to speak therein for such time as they desire.

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

## FISCAL YEAR 1993 COMMERCE, JUSTICE, STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL

Mr. BYRD. Mr. President, this bill, S. 3026, making appropriations for the Departments of Commerce, Justice, and State, the judiciary, and related agencies for fiscal year 1993, is the first of the regular fiscal year 1993 appropriation bills to be considered this year. In addition to the funds provided for these 3 departments and the judiciary, this bill provides necessary funding for 30 related agencies, including the U.S. Information Agency, the Arms Control and Disarmament Agency, the Board for International Broadcasting, and the Small Business Administration.

I commend Senator HOLLINGS, chairman of the subcommittee and Senator RUDMAN, the ranking minority member, for their painstaking and diligent efforts in managing this bill through committee and on the floor in such an expeditious manner.

Mr. President, this is the last appropriation bill the distinguished Senator from New Hampshire will help to manage on the Senate floor, and I want to take this opportunity to thank him for his outstanding service on the committee. I have always found him to be courageous, hardworking, courteous, openminded, and evenhanded—a real joy to work with. This Senator, for one, will miss him.

With respect to the subcommittee 601(b) allocation, the bill as recommended is within both the budget authority and outlay ceilings. Within the constraints of a very tight budget the committee recommends increases in funding for law enforcement and Federal correctional activities, as well as providing for such longstanding congressional priorities as economic development assistance, weather service modernization, small business, and juvenile justice and delinquency prevention programs.

Mr. President, I urge passage of this bill.

## A TRIBUTE TO BOB ZIEL

Mr. SYMMS. Mr. President, recently, an Idaho journalist was honored with the Idaho Bar Association's Liberty Bell award as a man who has grown to epitomize true American spirit. He is a man who stuck to his ideals throughout his career and focused on fact and fairness in an industry which often lends itself to widespread dishonesty.

Bob Ziel has blessed the State of Idaho since his appearance in radio and television in 1975 with unbiased journalism. He has remained optimistic in democracy and in the fundamental basis of what the United States stands for.

Mr. Ziel was born in New York to European immigrants, both from German descent. He did his undergraduate work at Pace College and expanded his education at the U.S. Naval School of Photography and at the Brown Institute for Broadcasting.

He served 4 years in the U.S. Navy as a photographer for an amphibious assault carrier unit at the height of the Vietnam war. For his service, he received numerous awards including: The Naval Unit Citation, the Vietnam Service Medal, the Vietnam Campaign Medal, and the National Defense and Good Conduct Award.

In 1975, Mr. Ziel moved to Idaho after attending broadcast school in Florida. There, he worked at KIGO radio and KADQ radio before picking up as a reporter and assignment editor at KIDK-TV for 13 years. Currently, he is 1½ years into his news director job at KID-AM radio.

He has amassed several awards for his loyal service to the public and to broadcasting including the Associated Press Best Treatment of Subject award and recognition by the 4H Club, in addition to the Liberty Bell award.

Mr. Ziel resides currently in Rigby, ID, with his wife, Virginia Jean, and their three boys Paul, Aaron, and Brian. He maintains a strong commitment to his family and religion through an active role in the Church of Jesus Christ of Latter-Day Saints, specifically as a teacher of the Elder's Quorum.

Mr. President, I ask unanimous consent that this statement be entered in the RECORD as a tribute to a great journalist and a fair man. I wish him continued success and a prosperous future.

## GAYS IN MILITARY

Mr. HARKIN. Mr. President, I rise today to speak about two groups of military officers.

The members of one group are accused of gross sexual impropriety.

One member of the other group was ranked consistently as one of the best Navy bombardier/navigators.

One group forced unsuspecting women—some of them fellow Navy officers—to run a gauntlet of lurid comments and fondling.

One of the other group had his picture hung under a sign that read "Top Gun," and has never been accused of behavior unbecoming an officer or of any impropriety.

One group is characterized by silence. No members of the first group—not one—has acknowledged who he is. This unwillingness to face the disciplinary action that is so clearly warranted is an unfortunate indication that these officers are not the kind we need in the U.S. Armed Forces. We do not need officers who degrade and abuse women. We do not need officers who do not behave themselves as gentlemen. And we sure do not need cowards who will not face the music.

One member of the other group is Lt. J.G. Tracy Thorne, who bravely came forward and acknowledged that he was not in compliance with Defense Department regulations—not because of anything he did, but because of who he is. Lieutenant Thorne is gay. And Lieutenant Thorne's exemplary record and ability make him exactly the kind of officer we need in the U.S. Armed Forces.

So guess which group is being thrown out of the Navy?

Mr. President, I proudly served as a Navy pilot. The day I won my wings is one of the proudest of my life. And I am proud to have served my country for 8 years, 8 months, and 8 days as a Navy pilot. But I am ashamed that the U.S. Navy has officers in the first group—those officers who participated in the activities in Las Vegas—and that it discharges officers like Lieutenant Thorne because of an outdated policy based on stereotype and prejudice.

Let me emphasize that I am not tarring all officers with the same brush. Most military officers have never engaged in the type of drunken assault on women that happened in the Las Vegas Hilton last September. However, I am concerned with the attitude that boys will be boys, and that the Tailhook incident may be a symptom of a much deeper problem within our Armed Forces.

Because I disagree with the administration's policy on gay men and lesbians in the armed services, I cosponsored Senator ADAMS' legislation calling on the President to overturn the ban. When I saw Lieutenant Thorne's appearance on "Nightline," discussing his sexual orientation and the military ban, I sent a letter to Secretary Cheney, asking him to place a moratorium on further discharges of gay service men and women. And today, I have joined as an original cosponsor of Senator METZENBAUM'S legislation to overturn the ban by law. This law would penalize people who commit sexual abuse, rather than punishing people be-

cause of their sexual orientation. Under this law, we would crack down on the men in the first group, and stop expelling the people in the second.

All of these efforts would be unnecessary if another former Navy pilot would recognize the unfairness of this outdated policy. That person is President George Bush. The President could overturn the ban with a stroke of his pen. Unfortunately, he is not willing to lead on this issue, as is the case on so many issues. His emphasis on family values, so called, has blinded him to the values of fairness, of decency, and of justice to Tracy Thorne, and to some 1,500 officers and enlisted personnel discharged each year for being gay. As it was when he opposed passage of the civil rights act last year, George Bush is not willing to step forward as a leader in favor of a change toward inclusion and fair treatment.

I know full well that neither of the bills I have cosponsored or the letter I sent to the Secretary of Defense will make any difference unless the President is willing to stand up for what is right—to come forward and forthrightly declare his support for fair treatment and inclusion for gay men and lesbians in our Armed Forces.

So I would ask the President of the United States: Is it not time to take a stand for a change?

## REMOVAL OF INJUNCTION OF SECRECY

Mr. BUMPERS. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the Treaty with the Russian Federation Concerning the Encouragement and Reciprocal Protection of Investment, Treaty Document No. 102-33, transmitted to the Senate today by the President; that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

*To the Senate of The United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the United States of America and the Russian Federation Concerning the Encouragement and Reciprocal Protection of Investment, with Protocol and related exchanges of letters, signed at Washington on June 17, 1992. I transmit also, for the information of the Senate, the report of the Department of State with respect to this treaty.

This treaty creates a favorable legal framework for U.S. investment in Russia. By adopting the treaty's high standards for protection of U.S. investment, Russia seeks to encourage the U.S. private sector to invest in Russia. For the United States Government, the treaty serves the goals of aiding Russia's transition to a market economy and of strengthening our bilateral economic ties.

In addition, the treaty is fully consistent with U.S. policy toward international investment. A special tenet, reflected in this treaty, is that U.S. investment abroad and foreign investment in the United States should receive fair, equitable, and nondiscriminatory treatment. Under this treaty, the Parties also agree to international law standards for expropriation and expropriation compensation; free transfers of funds associated with investments; and the option of the investor to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this treaty as soon as possible, and give its advice and consent to ratification of the treaty, with protocol and related exchanges of letters, at an early date.

GEORGE BUSH.

THE WHITE HOUSE, *July 28, 1992.*

## FAMILY AND MEDICAL LEAVE ACT OF 1991

Mr. BUMPERS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 5.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 5) entitled "An Act to grant employees family and temporary medical leave under certain circumstances, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Family and Medical Leave Act of 1991".*

*(b) TABLE OF CONTENTS.—*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Findings and purposes.*

*TITLE I—GENERAL REQUIREMENTS FOR LEAVE*

*Sec. 101. Definitions.*
*Sec. 102. Leave requirement.*
*Sec. 103. Certification.*
*Sec. 104. Employment and benefits protection.*
*Sec. 105. Prohibited acts.*
*Sec. 106. Investigative authority.*
*Sec. 107. Enforcement.*
*Sec. 108. Special rules concerning employees of local educational agencies.*
*Sec. 109. Notice.*
*Sec. 110. Regulations.*

*TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES*

*Sec. 201. Leave requirement.*

*TITLE III—COMMISSION ON LEAVE*

*Sec. 301. Establishment.*
*Sec. 302. Duties.*
*Sec. 303. Membership.*
*Sec. 304. Compensation.*
*Sec. 305. Powers.*
*Sec. 306. Termination.*

*TITLE IV—MISCELLANEOUS PROVISIONS*

*Sec. 401. Effect on other laws.*
*Sec. 402. Effect on existing employment benefits.*
*Sec. 403. Encouragement of more generous leave policies.*
*Sec. 404. Regulations.*
*Sec. 405. Effective dates.*

*TITLE V—COVERAGE OF CONGRESSIONAL EMPLOYEES*

*Sec. 501. Coverage of the Senate.*
*Sec. 502. Leave for certain congressional employees.*

***SEC. 2. FINDINGS AND PURPOSES.***

*(a) FINDINGS.—Congress finds that—*

*(1) the number of single-parent households and two-parent households in which the single parent or both parents work is increasing significantly;*

*(2) it is important for the development of children and the family unit that fathers and mothers be able to participate in early childrearing and the care of family members who have serious health conditions;*

*(3) the lack of employment policies to accommodate working parents can force individuals to choose between job security and parenting;*

*(4) there is inadequate job security for employees who have serious health conditions that prevent them from working for temporary periods;*

*(5) due to the nature of the roles of men and women in our society, the primary responsibility for family caretaking often falls on women, and such responsibility affects the working lives of women more than it affects the working lives of men; and*

*(6) employment standards that apply to one gender only have serious potential for encouraging employers to discriminate against employees and applicants for employment who are of that gender.*

*(b) PURPOSES.—It is the purpose of this Act—*

*(1) to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity;*

*(2) to entitle employees to take reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition;*

*(3) to accomplish the purposes described in paragraphs (1) and (2) in a manner that accommodates the legitimate interests of employers;*

*(4) to accomplish the purposes described in paragraphs (1) and (2) in a manner that, consistent with the Equal Protection Clause of the Fourteenth Amendment, minimizes the potential for employment discrimination on the basis of sex by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons, on a gender-neutral basis; and*

*(5) to promote the goal of equal employment opportunity for women and men, pursuant to such clause.*

***TITLE I—GENERAL REQUIREMENTS FOR LEAVE***

***SEC. 101. DEFINITIONS.***

*As used in this title:*

*(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (3) and (1) respectively, of section 120 of the Labor*

*Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).*

*(2) ELIGIBLE EMPLOYEE.—*

*(A) IN GENERAL.—The term "eligible employee" means any "employee", as defined in section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)), who has been employed—*

*(i) for at least 12 months by the employer with respect to whom leave is sought under section 102; and*

*(ii) for at least 1,250 hours of service with such employer during the previous 12-month period.*

*(B) EXCLUSIONS.—The term "eligible employee" does not include—*

*(i) any Federal officer or employee covered under subchapter V of chapter 63 of title 5, United States Code (as added by title II of this Act); or*

*(ii) any employee of an employer who is employed at a worksite at which such employer employs less than 50 employees or if the total number of employees employed by that employer within 75 miles of that worksite is less than 50.*

*(C) DETERMINATION.—For purposes of determining whether an employee meets the hours of service requirement specified in subparagraph (A)(ii), the legal standards established under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) shall apply.*

*(3) EMPLOY, STATE.—The terms "employ" and "State" have the same meanings given such terms in subsections (g) and (c), respectively, of section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203 (g) and (c)).*

*(4) EMPLOYEE.—The term "employee" means any individual employed by an employer.*

*(5) EMPLOYER.—*

*(A) IN GENERAL.—The term "employer"—*

*(i) means any person engaged in commerce or in any industry or activity affecting commerce who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year;*

*(ii) includes—*

*(I) any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer; and*

*(II) any successor in interest of an employer; and*

*(iii) includes any "public agency", as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x)).*

*(B) PUBLIC AGENCY.—For purposes of subparagraph (A)(iii), a public agency shall be considered to be a person engaged in commerce or in an industry or activity affecting commerce.*

*(6) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employer or through an "employee benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)).*

*(7) HEALTH CARE PROVIDER.—The term "health care provider" means—*

*(A) a doctor of medicine or osteopathy that is legally authorized to practice medicine or surgery by the State in which the doctor performs such function or action; or*

*(B) any other person determined by the Secretary to be capable of providing health care services.*

*(8) PARENT.—The term "parent" means the biological parent of the child or an individual who stood in loco parentis to a child when the child was a son or daughter.*

*(9) PERSON.—The term "person" has the same meaning given such term in section 3(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(a)).*

*(10) REDUCED LEAVE SCHEDULE.—The term "reduced leave schedule" means leave that reduces the usual number of hours per workweek, or hours per workday, of an employee.*

*(11) SECRETARY.—The term "Secretary" means the Secretary of Labor.*

*(12) SERIOUS HEALTH CONDITION.—The term "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves—*

*(A) inpatient care in a hospital, hospice, or residential medical care facility; or*

*(B) continuing treatment by a health care provider.*

*(13) SON OR DAUGHTER.—The term "son or daughter" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—*

*(A) under 18 years of age; or*

*(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.*

***SEC. 102. LEAVE REQUIREMENT.***

*(a) IN GENERAL.—*

*(1) ENTITLEMENT TO LEAVE.—Subject to section 103, an eligible employee shall be entitled to a total of 12 workweeks of leave during any 12-month period—*

*(A) because of the birth of a son or daughter of the employee and in order to care for such son or daughter;*

*(B) because of the placement of a son or daughter with the employee for adoption or foster care;*

*(C) in order to care for a son, daughter, spouse, or parent of the employee who has a serious health condition; or*

*(D) because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.*

*(2) EXPIRATION OF ENTITLEMENT.—The entitlement to leave under subparagraphs (A) and (B) of paragraph (1) for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.*

*(3) INTERMITTENT LEAVE.—*

*(A) IN GENERAL.—Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employer of the employee agree otherwise. Subject to subparagraph (B), subsection (e), and section 103(b)(5), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary.*

*(B) ALTERNATIVE POSITION.—If an employee seeks intermittent leave under subparagraph (C) or (D) of paragraph (1) that is foreseeable based on planned medical treatment, the employer may require such employee to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified and that—*

*(i) has equivalent pay and benefits; and*

*(ii) better accommodates recurring periods of leave than the regular employment position of the employee.*

*(b) REDUCED LEAVE.—On agreement between the employer and the employee, leave under subsection (a) may be taken on a reduced leave schedule. Such reduced leave schedule shall not result in a reduction in the total amount of leave to which such employee is entitled under subsection (a).*

*(c) UNPAID LEAVE PERMITTED.—Except as provided in subsection (d), leave granted under subsection (a) may consist of unpaid leave.*

*(d) RELATIONSHIP TO PAID LEAVE.—*

*(1) UNPAID LEAVE.—If an employer provides paid leave for fewer than 12 workweeks, the additional weeks of leave necessary to attain the 12 workweeks of leave required under this title may be provided without compensation.*

*(2) SUBSTITUTION OF PAID LEAVE.—*

*(A) IN GENERAL.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or family leave of the employee for leave provided under subparagraph (A), (B), or (C) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection.*

*(B) SERIOUS HEALTH CONDITION.—An eligible employee may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, or medical or sick leave of the employee for leave provided under subparagraph (C) or (D) of subsection (a)(1) for any part of the 12-week period of such leave under such subsection, except that nothing in this Act shall require an employer to provide paid sick leave or paid medical leave in any situation in which such employer would not normally provide any such paid leave.*

*(e) FORESEEABLE LEAVE.—*

*(1) REQUIREMENT OF NOTICE.—In any case in which the necessity for leave under subparagraph (A) or (B) of subsection (a)(1) is foreseeable based on an expected birth or adoption, the eligible employee shall provide the employer with not less than 30 days notice of the intention to take leave under such subparagraph, subject to the actual date of the birth or adoption for which the leave is to be taken.*

*(2) DUTIES OF EMPLOYEE.—In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on planned medical treatment, the employee—*

*(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee; and*

*(B) shall provide the employer with not less than 30 days notice of the intention to take leave under such subparagraph, subject to the actual date of the treatment for which the leave is to be taken.*

*(f) SPOUSES EMPLOYED BY THE SAME EMPLOYER.—In any case in which a husband and wife entitled to leave under subsection (a) are employed by the same employer, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period, if such leave is taken—*

*(1) under subparagraph (A) or (B) of subsection (a)(1); or*

*(2) to care for a sick parent under subparagraph (C) of such subsection.*

***SEC. 103. CERTIFICATION.***

*(a) IN GENERAL.—An employer may require that a claim for leave under subparagraph (C) or (D) of section 102(a)(1) be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employer.*

*(b) SUFFICIENT CERTIFICATION.—Certification provided under subsection (a) shall be sufficient if it states—*

*(1) the date on which the serious health condition commenced;*

*(2) the probable duration of the condition;*

*(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;*

*(4)(A) for purposes of leave under section 102(a)(1)(C), a statement that the eligible employee is needed to care for the son, daughter, spouse, or parent and an estimate of the amount of time that such employee is needed to care for the son, daughter, spouse, or parent; and*

*(B) for purposes of leave under section 102(a)(1)(D), a statement that the employee is unable to perform the functions of the position of the employee; and*

*(5) in the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.*

*(c) SECOND OPINION.—*

*(1) IN GENERAL.—In any case in which the employer has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 102(a)(1), the employer may require, at the expense of the employer, that the eligible employee obtain the opinion of a second health care provider designated or approved by the employer concerning any information certified under subsection (b) for such leave.*

*(2) LIMITATION.—A health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employer.*

*(d) RESOLUTION OF CONFLICTING OPINIONS.—*

*(1) IN GENERAL.—In any case in which the second opinion described in subsection (c) differs from the opinion in the original certification provided under subsection (a), the employer may require, at the expense of the employer, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee concerning the information certified under subsection (b).*

*(2) FINALITY.—The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employer and the employee.*

*(e) SUBSEQUENT RECERTIFICATION.—The employer may require that the eligible employee obtain subsequent recertifications on a reasonable basis.*

***SEC. 104. EMPLOYMENT AND BENEFITS PROTECTION.***

*(a) RESTORATION TO POSITION.—*

*(1) IN GENERAL.—Any eligible employee who takes leave under section 102 for the intended purpose of the leave shall be entitled, on return from such leave—*

*(A) to be restored by the employer to the position of employment held by the employee when the leave commenced; or*

*(B) to be restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.*

*(2) LOSS OF BENEFITS.—The taking of leave under section 102 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.*

*(3) LIMITATIONS.—Nothing in this section shall be construed to entitle any restored employee to—*

*(A) the accrual of any seniority or employment benefits during any period of leave; or*

*(B) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.*

*(4) CERTIFICATION.—As a condition of restoration under paragraph (1), the employer may have a uniformly applied practice or policy that requires each employee to receive certification from the health care provider of the employee that the employee is able to resume work, except that nothing in this paragraph shall supersede a valid State or local law or a collective bargaining agreement that governs the return to work of employees taking leave under section 102(a)(1)(D).*

*(5) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit an employer from requiring an employee on leave under section 102 to periodically report to the employer on the status and intention of the employee to return to work.*

*(b) EXEMPTION CONCERNING CERTAIN HIGHLY COMPENSATED EMPLOYEES.—*

*(1) DENIAL OF RESTORATION.—An employer may deny restoration under subsection (a) to any eligible employee described in paragraph (2) if—*

*(A) such denial is necessary to prevent substantial and grievous economic injury to the operations of the employer;*

*(B) the employer notifies the employee of the intent of the employer to deny restoration on such basis at the time the employer determines that such injury would occur; and*

*(C) in any case in which the leave has commenced, the employee elects not to return to employment after receiving such notice.*

*(2) AFFECTED EMPLOYEES.—An eligible employee described in paragraph (1) is a salaried eligible employee who is among the highest paid 10 percent of the employees employed by the employer within 75 miles of the facility at which the employee is employed.*

*(c) MAINTENANCE OF HEALTH BENEFITS.—*

*(1) COVERAGE.—Except as provided in paragraph (2), during any period that an eligible employee takes leave under section 102, the employer shall maintain coverage under any "group health plan" (as defined in section 5000(b)(1) of the Internal Revenue Code of 1986) for the duration of such leave at the level and under the conditions coverage would have been provided if the employee had continued in employment continuously from the date the employee commenced the leave until the date the employee is restored under subsection (a).*

*(2) FAILURE TO RETURN FROM LEAVE.—The employer may recover the premium that the employer paid for maintaining coverage for the employee under such group health plan during any period of unpaid leave under section 102 if—*

*(A) the employee fails to return from leave under section 102 after the period of leave to which the employee is entitled has expired; and*

*(B) the employee fails to return to work for a reason other than—*

*(i) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under subparagraph (C) or (D) of section 102(a)(1); or*

*(ii) other circumstances beyond the control of the employee.*

*(3) CERTIFICATION.—*

*(A) ISSUANCE.—An employer may require that a claim that an employee is unable to return to work because of the continuation, recurrence, or onset of the serious health condition described in paragraph (2)(B)(i) be supported by—*

*(i) a certification issued by the health care provider of the eligible employee, in the case of an employee unable to return to work because of a condition specified in section 102(a)(1)(D); or*

*(ii) a certification issued by the health care provider of the son, daughter, spouse, or parent of the employee in the case of an employee unable to return to work because of a condition specified in section 102(a)(1)(C).*

*(B) COPY.—The employee shall provide, in a timely manner, a copy of such certification to the employer.*

*(C) SUFFICIENCY OF CERTIFICATION.—*

*(i) LEAVE DUE TO SERIOUS HEALTH CONDITION OF EMPLOYEE.—The certification described in subparagraph (A)(i) shall be sufficient if the certification states that a serious health condition prevented the employee from being able to perform the functions of the position of the employee on the date that the leave of the employee expired.*

*(ii) LEAVE DUE TO SERIOUS HEALTH CONDITION OF FAMILY MEMBER.—The certification described in subparagraph (A)(ii) shall be sufficient if the certification states that the employee is needed to care for the son, daughter, spouse, or parent who has a serious health condition on the date that the leave of the employee expired.*

***SEC. 105. PROHIBITED ACTS.***

*(a) INTERFERENCE WITH RIGHTS.—*

*(1) EXERCISE OF RIGHTS.—It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this title.*

*(2) DISCRIMINATION.—It shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for opposing any practice made unlawful by this title.*

*(b) INTERFERENCE WITH PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any person to discharge or in any other manner discriminate against any individual because such individual—*

*(1) has filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this title;*

*(2) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this title; or*

*(3) has testified, or is about to testify in any inquiry or proceeding relating to any right provided under this title.*

***SEC. 106. INVESTIGATIVE AUTHORITY.***

*(a) IN GENERAL.—To ensure compliance with the provisions of this title, or any regulation or order issued under this title, the Secretary shall have, subject to subsection (c), the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)).*

*(b) OBLIGATION TO KEEP AND PRESERVE RECORDS.—Any employer shall keep and preserve records in accordance with section 11(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(c)) and in accordance with regulations issued by the Secretary.*

*(c) REQUIRED SUBMISSIONS GENERALLY LIMITED TO AN ANNUAL BASIS.—The Secretary shall not under the authority of this section require any employer or any plan, fund, or program to submit to the Secretary any books or records more than once during any 12-month period, unless the Secretary has reasonable cause to believe there may exist a violation of this title or any regulation or order issued pursuant to this title, or is investigating a charge pursuant to section 107(b).*

*(d) SUBPOENA POWERS.—For the purposes of any investigation provided for in this section, the Secretary shall have the subpoena authority provided for under section 9 of the Fair Labor Standards Act of 1938 (29 U.S.C. 209).*

***SEC. 107. ENFORCEMENT.***

*(a) CIVIL ACTION BY EMPLOYEES.—*

*(1) LIABILITY.—Any employer who violates section 105 shall be liable to any eligible employee affected—*

*(A) for damages equal to—*

*(i) the amount of—*

*(I) any wages, salary, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or*

*(II) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 12 weeks of wages or salary for the employee;*

*(ii) the interest on the amount described in clause (i) calculated at the prevailing rate; and*

*(iii) an additional amount as liquidated damages equal to the sum of the amount described in clause (i) and the interest described in clause (ii), except that if an employer who has violated section 105 proves to the satisfaction of the court that the act or omission which violated section*

*105 was in good faith and that the employer had reasonable grounds for believing that the act or omission was not a violation of section 105, such court may, in the discretion of the court, reduce the amount of the liability to the amount and interest determined under clauses (i) and (ii), respectively; and*

*(B) for such equitable relief as may be appropriate, including, without limitation, employment, reinstatement, and promotion.*

*(2) STANDING.—An action to recover the damages or equitable relief prescribed in paragraph (1) may be maintained against any employer (including a public agency) in any Federal or State court of competent jurisdiction by any one or more employees for and in behalf of—*

*(A) the employees; or*

*(B) the employees and other employees similarly situated.*

*(3) FEES AND COSTS.—The court in such an action shall, in addition to any judgment awarded to the plaintiff, allow a reasonable attorney's fee, reasonable expert witness fees, and other costs of the action to be paid by the defendant.*

*(4) LIMITATIONS.—The right provided by paragraph (1) to bring an action by or on behalf of any employee shall terminate, unless such action is dismissed without prejudice on motion of the Secretary, on—*

*(A) the filing of a complaint by the Secretary of Labor in an action under subsection (d) in which—*

*(i) restraint is sought of any further delay in the payment of the damages described in paragraph (1)(A) to such employee by an employer liable under paragraph (1) for the damages; or*

*(ii) equitable relief is sought as a result of alleged violations of section 105; or*

*(B) the filing of a complaint by the Secretary in an action under subsection (b) in which a recovery is sought of the damages described in paragraph (1)(A) owing to an eligible employee by an employer liable under paragraph (1).*

*(b) ACTION BY THE SECRETARY.—*

*(1) ADMINISTRATIVE ACTION.—The Secretary shall receive, investigate, and attempt to resolve complaints of violations of section 105 in the same manner that the Secretary receives, investigates, and attempts to resolve complaints of violations of sections 6 and 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206 and 207).*

*(2) CIVIL ACTION.—The Secretary may bring an action in any court of competent jurisdiction to recover on behalf of an eligible employee the damages described in subsection (a)(1)(A).*

*(3) SUMS RECOVERED.—Any sums recovered by the Secretary on behalf of an employee pursuant to paragraph (2) shall be held in a special deposit account and shall be paid, on order of the Secretary, directly to each employee affected. Any such sums not paid to any employee because of inability to do so within a period of 3 years shall be deposited into the Treasury of the United States as miscellaneous receipts.*

*(c) LIMITATION.—*

*(1) IN GENERAL.—Except as provided in paragraph (2), an action may be brought under subsection (a) or (b) not later than 2 years after the date of the last event constituting the alleged violation for which the action is brought.*

*(2) WILLFUL VIOLATION.—In the case of such action brought for a willful violation of section 105, such action may be brought within 3 years of the date of the last event constituting the alleged violation for which such action is brought.*

*(3) COMMENCEMENT.—In determining when an action is commenced by the Secretary under subsection (b) for the purposes of this subsection, it shall be considered to be commenced on the date when the complaint is filed.*

*(d) ACTION FOR INJUNCTION BY SECRETARY.—The district courts of the United States shall have jurisdiction, for cause shown, over an action brought by the Secretary to restrain violations of section 105, including actions to restrain the withholding of payment of wages, salary, employment benefits, or other compensation, plus interest, found by the court to be due to eligible employees.*

***SEC. 108. SPECIAL RULES CONCERNING EMPLOYEES OF LOCAL EDUCATIONAL AGENCIES.***

*(a) APPLICATION.—*

*(1) IN GENERAL.—Except as otherwise provided in this section, the rights (including the rights under section 104, which shall extend throughout the period of leave of any employee under this section), remedies, and procedures under this Act shall apply to—*

*(A) any "local educational agency" (as defined in section 1471(12) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2891(12))) and an eligible employee of the agency; and*

*(B) any private elementary and secondary school and an eligible employee of the school.*

*(2) DEFINITIONS.—For purposes of the application described in paragraph (1):*

*(A) ELIGIBLE EMPLOYEE.—The term "eligible employee" means an eligible employee of an agency or school described in paragraph (1); and*

*(B) EMPLOYER.—The term "employer" means an agency or school described in paragraph (1).*

*(b) LEAVE DOES NOT VIOLATE CERTAIN OTHER FEDERAL LAWS.—A local educational agency and a private elementary and secondary school shall not be in violation of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), solely as a result of an eligible employee of such agency or school exercising the rights of such employee under this Act.*

*(c) INTERMITTENT LEAVE FOR INSTRUCTIONAL EMPLOYEES.—*

*(1) IN GENERAL.—Subject to paragraph (2), in any case in which an eligible employee employed principally in an instructional capacity by any such educational agency or school seeks to take leave under subparagraph (C) or (D) of section 102(a)(1) that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency or school may require that such employee elect either—*

*(A) to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or*

*(B) to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that—*

*(i) has equivalent pay and benefits; and*

*(ii) better accommodates recurring periods of leave than the regular employment position of the employee.*

*(2) APPLICATION.—The elections described in subparagraphs (A) and (B) of paragraph (1) shall apply only with respect to an eligible employee who complies with section 102(e)(2).*

*(d) RULES APPLICABLE TO PERIODS NEAR THE CONCLUSION OF AN ACADEMIC TERM.—The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity by any such educational agency or school:*

*(1) LEAVE MORE THAN 5 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under section 102 more than 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—*

*(A) the leave is of at least 3 weeks duration; and*

*(B) the return to employment would occur during the 3-week period before the end of such term.*

*(2) LEAVE LESS THAN 5 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under subparagraph (A), (B), or (C) of section 102(a)(1) during the period that commences 5 weeks prior to the end of the academic term, the agency or school may require the employee to continue taking leave until the end of such term, if—*

*(A) the leave is of greater than 2 weeks duration; and*

*(B) the return to employment would occur during the 2-week period before the end of such term.*

*(3) LEAVE LESS THAN 3 WEEKS PRIOR TO END OF TERM.—If the eligible employee begins leave under paragraph (A), (B), or (C) of section 102(a)(1) during the period that commences 3 weeks prior to the end of the academic term and the duration of the leave is greater than 5 working days, the agency or school may require the employee to continue to take leave until the end of such term.*

*(e) RESTORATION TO EQUIVALENT EMPLOYMENT POSITION.—For purposes of determinations under section 104(a)(1)(B) (relating to the restoration of an eligible employee to an equivalent position), in the case of a local educational agency or a private elementary and secondary school, such determination shall be made on the basis of established school board policies and practices, private school policies and practices, and collective bargaining agreements.*

*(f) REDUCTION OF THE AMOUNT OF LIABILITY.—If a local educational agency or a private elementary and secondary school that has violated title I proves to the satisfaction of the administrative law judge or the court that the agency, school, or department had reasonable grounds for believing that the underlying act or omission was not a violation of such title, such judge or court may, in the discretion of the judge or court, reduce the amount of the liability provided for under section 107(a)(1)(A) to the amount and interest determined under clauses (i) and (ii), respecitvely, of such section.*

***SEC. 109. NOTICE.***

*(a) IN GENERAL.—Each employer shall post and keep posted, in conspicuous places on the premises of the employer where notices to employees and applicants for employment are customarily posted, a notice, to be prepared or approved by the Secretary, setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertaining to the filling of a charge.*

*(b) PENALTY.—Any employer that willfully violates this section shall be assessed a civil money penalty not to exceed $100 for each separate offense.*

***SEC. 110. REGULATIONS.***

*Not later than 60 days after the date of enactment of this title, the Secretary shall prescribe such regulations as are necessary to carry out this title.*

## *TITLE II—LEAVE FOR CIVIL SERVICE EMPLOYEES*

***SEC. 201. LEAVE REQUIREMENT.***

*(a) CIVIL SERVICE EMPLOYEES.—*

*(1) IN GENERAL.—Chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following new subchapter:*

*"SUBCHAPTER V—FAMILY AND MEDICAL LEAVE*

***"§6381. Definitions.***

*"For the purpose of this subchapter—*

*"(1) the term 'employee' means—*

*"(A) an employee as defined by section 6301(2) (excluding an individual employed by the Government of the District of Columbia); and*

*"(B) an individual described in clause (v) or (ix) of such section;*

*who has been employed for at least 12 months on other than a temporary or intermittent basis;*

*"(2) the term 'health care provider' means—*

*"(A) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; and*

*"(B) any other person determined by the Director of the Office of Personnel Management to be capable of providing health care services;*

*"(3) the term 'parent' means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was—*

*"(A) under 18 years of age; or*

*"(B) 18 years of age or older and incapable of self-care because of a mental or physical disability;*

*"(4) the term 'reduced leave schedule' means leave that reduces the usual number of hours per workweek, or hours per workday, of an employee;*

*"(5) the term 'serious health condition' means a disabling illness, injury, impairment, or physical or mental condition that involves—*

*"(A) inpatient care in a hospital, hospice, or residential medical care facility; or*

*"(B) continuing treatment by a health care provider; and*

*"(6) the term 'son or daughter' means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is—*

*"(A) under 18 years of age; or*

*"(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.*

***"§6382. Leave requirement***

*"(a)(1) An employee shall be entitled, subject to section 6383, to a total of 12 administrative workweeks of leave during any 12-month period—*

*"(A) because of the birth of a son or daughter of the employee and in order to care for such son or daughter;*

*"(B) because of the placement of a son or daughter with the employee for adoption or foster care;*

*"(C) in order to care for the spouse, or a son, daughter, or parent, of the employee, if such spouse, son, daughter, or parent has a serious health condition; or*

*"(D) because of a serious health condition that makes the employee unable to perform the functions of the employee's position.*

*"(2) The entitlement to leave under subparagraph (A) or (B) of paragraph (1) based on the birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.*

*"(3)(A) Leave under subparagraph (A) or (B) of paragraph (1) shall not be taken by an employee intermittently unless the employee and the employing agency of the employee agree otherwise. Subject to subparagraph (B), subsection (e), and section 6383(b)(5), leave under subparagraph (C) or (D) of paragraph (1) may be taken intermittently when medically necessary.*

*"(B) If an employee requests intermittent leave under subparagraph (C) or (D) of paragraph (1) that is foreseeable based on planned medical treatment, the employing agency may require such employee to transfer temporarily to an available alternative position offered by the employing agency for which the employee is qualified and that—*

*"(i) has equivalent pay and benefits; and*

*"(ii) better accommodates recurring periods of leave than the regular position of the employee.*

*"(b) On agreement between the employing agency and the employee, leave under subsection (a) may be taken on a reduced leave schedule. In the case of an employee on a reduced leave schedule, any hours of leave taken by such employee under such schedule shall be subtracted from the total amount of leave remaining available to such employee under subsection (a), for purposes of the 12-month period involved, on an hour-for-hour basis.*

*"(c) Except as provided in subsection (d), leave granted under subsection (a) shall be leave without pay.*

*"(d) An employee may elect to substitute for leave under subparagraph (A), (B), (C), or (D) of subsection (a)(1) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 12-week period of leave under such subparagraph, except that nothing in this subchapter shall require an employing agency to provide paid sick leave in any situation in which such employing agency would not normally provide any such paid leave.*

*"(e)(1) In any case in which the necessity for leave under subparagraph (A) and (B) of subsection (a)(1) is foreseeable based on an expected birth or placement, the employee shall provide the employing agency with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the birth or adoption requires a change in the date the leave is to begin and makes the notice less than 30 days, the employee shall provide such notice as is practicable.*

*"(2) In any case in which the necessity for leave under subparagraph (C) or (D) of subsection (a)(1) is foreseeable based on any planned medical treatment, the employee—*

*"(A) shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employing agency, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee; and*

*"(B) shall provide the employing agency with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subparagraph, except that if the date of the treatment requires a change in the date the leave is to begin and makes the notice less than 30 days, the employee shall provide such notice as is practicable.*

***"§6383. Certification***

*"(a) An employing agency may require that a request for leave under subparagraph (C) or (D) of section 6382(a)(1) be supported by certification issued by the health care provider of the employee or of the son, daughter, spouse, or parent of the employee, as appropriate. The employee shall provide, in a timely manner, a copy of such certification to the employing agency.*

*"(b) A certification provided under subsection (a) shall be sufficient if it states—*

*"(1) the date on which the serious health condition commenced;*

*"(2) the probable duration of the condition;*

*"(3) the appropriate medical facts within the knowledge of the health care provider regarding the condition;*

*"(4)(A) for purposes of leave under section 6382(a)(1)(C), a statement that the employee is needed to care for the son, daughter, spouse, or parent, and an estimate of the amount of time that such employee is needed to care for such son, daughter, spouse, or parent; and*

*"(B) for purposes of leave under section 6382(a)(1)(D), a statement that the employee is unable to perform the functions of the employee's position; and*

*"(5) in the case of certification for intermittent leave for planned medical treatment, the dates on which such treatment is expected to be given and the duration of such treatment.*

*"(c)(1) In any case in which the employing agency has reason to doubt the validity of the certification provided under subsection (a) for leave under subparagraph (C) or (D) of section 6382(a)(1), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a second health care provider designated or approved by the employing agency concerning any information certified under subsection (b) for such leave.*

*"(2) Any health care provider designated or approved under paragraph (1) shall not be employed on a regular basis by the employing agency.*

*"(d)(1) In any case in which the second opinion described in subsection (c) differs from the original certification provided under subsection (a), the employing agency may require, at the expense of the agency, that the employee obtain the opinion of a third health care provider designated or approved jointly by the employing agency and the employee concerning the information certified under subsection (b).*

*"(2) The opinion of the third health care provider concerning the information certified under subsection (b) shall be considered to be final and shall be binding on the employing agency and the employee.*

*"(e) The employing agency may require, at the expense of the agency, that the employee obtain subsequent recertifications on a reasonable basis.*

***"§6384. Employment and benefits protection***

*"(a) Any employee who takes leave under section 6382 for the intended purpose of the leave shall be entitled, upon return from such leave—*

*"(1) to be restored by the employing agency to the position held by the employee when the leave commenced; or*

*"(2) to be restored to a position with equivalent benefits, pay, status, and other terms and conditions of employment.*

*"(b) The taking of leave under section 6382 shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.*

*"(c) Except as otherwise provided by or under law, nothing in this section shall be construed to entitle any restored employee to—*

*"(1) the accrual of any seniority or employment benefits during any period of leave; or*

*"(2) any right, benefit, or position of employment other than any right, benefit, or position to which the employee would have been entitled had the employee not taken the leave.*

*"(d) As a condition to restoration under subsection (a), the employing agency may have a uniformly applied practice or policy that requires each employee to receive certification from the health care provider, of the employee that the employee is able to resume work.*

*"(e) Nothing in this section shall be construed to prohibit an employing agency from requiring an employee on leave under section 6382 to report periodically to the employing agency on the status and intention of the employee to return to work.*

***"§6385. Prohibition of coercion***

*"(a) An employee shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, any other employee for the purpose of interfering with the exercise of the rights of the employee under this subchapter.*

*"(b) For the purpose of this section, 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation), or taking or threatening to take any reprisal (such as deprivation of appointment, promotion, or compensation).*

***"§6386. Health insurance***

*"An employee enrolled in a health benefits plan under chapter 89 who I placed in a leave-without-pay status under section 6382 may elect to continue the health benefits enrollment of the*

*employee while in such leave status and arrange to pay currently into the Employees Health Benefits Fund (described in section 8909), the appropriate employee contributions.*

***"§6387. Regulations***

*"The Office of Personnel Management shall prescribe regulations necessary for the administration of this subchapter. The regulations prescribed under this subchapter shall be consistent with the regulations prescribed by the Secretary of Labor under title I of the Family and Medical Leave Act of 1991.".*

*(2) TABLE OF CONTENTS.—The table of contents for chapter 63 of title 5, United States Code, is amended by adding at the end thereof the following:*

*"SUBCHAPTER V—FAMILY AND MEDICAL LEAVE*

*"6381. Definitions.*
*"6382. Leave requirement.*
*"6383. Certification.*
*"6384. Employment and benefits protection.*
*"6385. Prohibition of coercion.*
*"6386. Health insurance.*
*"6387. Regulations.".*

*(b) EMPLOYEES PAID FROM NONAPPROPRIATED FUNDS.—Section 2105(c)(1) of title 5, United States Code, is amended—*

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

*(2) by adding to the end thereof the following new subparagraph:*

*"(E) subchapter V of chapter 63, which shall be applied so as to construe references to benefit programs to refer to applicable programs for employees paid from nonappropriated funds; or".*

***TITLE III—COMMISSION ON LEAVE***

***SEC. 301. ESTABLISHMENT.***

*There is established a commission to be known as the Commission on Leave (hereinafter referred to in this title as the "Commission").*

***SEC. 302. DUTIES.***

*The Commission shall—*

*(1) conduct a comprehensive study of—*

*(A) existing and proposed policies relating to leave;*

*(B) the potential costs, benefits, and impact on productivity of such policies on employers; and*

*(C) alternative and equivalent State enforcement of this Act with respect to employees described in section 108(a); and*

*(2) not later than 2 years after the date on which the Commission first meets, prepare and submit, to the appropriate Committees of Congress, a report concerning the subjects listed in paragraph (1).*

***SEC. 303. MEMBERSHIP.***

*(a) COMPOSITION.—*

*(1) APPOINTMENTS.—The Commission shall be composed of 12 voting members and 2 ex officio members to be appointed not later than 60 days after the date of the enactment of this Act as follows:*

*(A) SENATORS.—One Senator shall be appointed by the Majority Leader of the Senate, and one Senator shall be appointed by the Minority leader of the Senate.*

*(B) MEMBERS OF HOUSE OF REPRESENTATIVES.—One Member of the House of Representatives shall be appointed by the Speaker of the House of Representatives, and one Member of the House of Representatives shall be appointed by the Minority Leader of the House of Representatives.*

*(C) ADDITIONAL MEMBERS.—*

*(i) APPOINTMENT.—Two Members each shall be appointed by—*

*(I) the Speaker of the House of Representatives;*

*(II) the Majority Leader of the Senate;*

*(III) the Minority Leader of the House of Representatives; and*

*(IV) the Minority Leader of the Senate.*

*(ii) EXPERTISE.—Such members shall be appointed by virtue of demonstrated expertise in relevant family, temporary disability, and labor-management issues and shall include representatives of employers.*

*(2) EX OFFICIO MEMBERS.—The Secretary of Health and Human Services and the Secretary of Labor shall serve on the Commission as nonvoting ex officio members.*

*(b) VACANCIES.—Any vacancy on the Commission shall be filled in the manner in which the original appointment was made. The vacancy shall not affect the power of the remaining members to execute the duties of the Commission.*

*(c) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall elect a chairperson and a vice chairperson from among the members of the Commission.*

*(d) QUORUM.—Eight members of the Commission shall constitute a quorum for all purposes, except that a lesser number may constitute a quorum for the purpose of holding hearings.*

***SEC. 304. COMPENSATION.***

*(a) PAY.—Members of the Commission shall serve without compensation.*

*(b) TRAVEL EXPENSES.—Members of the Commission shall be allowed reasonable travel expenses, including a per diem allowance, in accordance with section 5703 of title 5, United States Code, when performing duties of the Commission.*

***SEC. 305. POWERS.***

*(a) MEETINGS.—The Commission shall first meet not later than 30 days after the date on which all members are appointed, and the Commission shall meet thereafter on the call of the chairperson or a majority of the members.*

*(b) HEARINGS AND SESSIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.*

*(c) ACCESS TO INFORMATION.—The Commission may secure directly from any Federal agency information necessary to enable it to carry out this Act, if the information may be disclosed under section 552 of title 5, United States Code. Subject to the previous sentence, on the request of the chairperson or vice chairperson of the Commission, the head of such agency shall furnish such information to the Commission.*

*(d) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director from the personnel of any Federal agency to assist the Commission in carrying out the duties of the Commission. Any appointment shall not interrupt or otherwise affect the civil service status or privileges of the employee appointed.*

*(e) USE OF FACILITIES AND SERVICES.—Upon the request of the Commission, the head of any Federal agency may make available to the Commission any of the facilities and services of such agency.*

*(f) PERSONNEL FROM OTHER AGENCIES.—On the request of the Commission, the head of any Federal agency may detail any of the personnel of such agency to assist the Commission in carrying out the duties of the Commission. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.*

*(g) VOLUNTARY SERVICE.—Notwithstanding section 1342 of title 31, United States Code, the chairperson of the Commission may accept for the Commission voluntary services provided by a member of the Commission.*

***SEC. 306. TERMINATION.***

*The Commission shall terminate 30 days after the date of the submission of the report of the Commission to Congress.*

***TITLE IV—MISCELLANEOUS PROVISIONS***

***SEC. 401. EFFECT ON OTHER LAWS.***

*(a) FEDERAL AND STATE ANTI-DISCRIMINATION LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to modify or affect any Federal or State law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability.*

*(b) STATE AND LOCAL LAWS.—Nothing in this Act or any amendment made by this Act shall be construed to supersede any provision of any State and local law that provides greater employee leave rights than the rights established under this Act or any amendment made by this Act.*

***SEC. 402. EFFECT ON EXISTING EMPLOYMENT BENEFITS.***

*(a) MORE PROTECTIVE.—Nothing in this Act or any amendment made by this Act shall be construed to diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater family and medical leave rights to employees than the rights provided under this Act or any amendment made by this Act.*

*(b) LESS PROTECTIVE.—The rights provided to employees under this Act or any amendment made by this Act shall not be diminished by any collective bargaining agreement or any employment benefit program or plan.*

***SEC. 403. ENCOURAGEMENT OF MORE GENEROUS LEAVE POLICIES.***

*Nothing in this Act or any amendment made by this Act shall be construed to discourage employers from adopting or retaining leave policies more generous than any policies that comply with the requirements under this Act or any amendment made by this Act.*

***SEC. 404. REGULATIONS.***

*The Secretary of Labor shall prescribe such regulations as are necessary to carry out sections 401 through 403 not later than 60 days after the date of the enactment of this Act.*

***SEC. 405. EFFECTIVE DATES.***

*(a) TITLE III.—Title III shall take effect on the date of the enactment of this Act.*

*(b) OTHER TITLES—*

*(1) IN GENERAL.—Except as provided in paragraph (2), titles I, II, V and this title shall take effect 6 months after the date of the enactment of this Act.*

*(2) COLLECTIVE BARGAINING AGREEMENTS.—In the case of a collective bargaining agreement in effect on the effective date prescribed by paragraph (1), title I shall apply on the earlier of—*

*(A) the date of the termination of such agreement; or*

*(B) the date that occurs 12 months after the date of the enactment of this Act.*

***TITLE V—COVERAGE OF CONGRESSIONAL EMPLOYEES***

***SEC. 501. COVERAGE OF THE SENATE.***

*(a) COVERAGE.—*

*(1) APPLICATION.—The rights and protections established under sections 101 through 105 shall apply with respect to a Senate employee and an employing authority of the Senate.*

*(2) DEFINITIONS.—For purposes of the application described in paragraph (1)—*

*(A) the term "eligible employee" means a Senate employee; and*

*(B) the term "employer" means an employing authority of the Senate.*

*(b) INVESTIGATION AND ADJUDICATION OF CLAIMS.—All claims raised by any individual with respect to Senate employment, pursuant to sections 101 through 105, shall be investigated and adjudicated by the Select Committee on Ethics, pursuant to S. Res. 338, 88th Congress, as amended, or such other entity as the Senate may designate.*

*(c) RIGHTS OF EMPLOYEES.—The Committee on Rules and Administration shall ensure that Sen-*

*ate employees are informed of their rights under sections 101 through 105.*

*(d) APPLICABLE REMEDIES.—When assigning remedies to individuals found to have a valid claim under sections 101 through 105, the Select Committee on Ethics, or such other entity as the Senate may designate, should to the extent practicable apply the same remedies applicable to all other employees covered by such sections. Such remedies shall apply exclusively.*

*(e) EXERCISE OF RULEMAKING POWER.—Notwithstanding any other provision of law, enforcement and adjudication of the rights and protections referred to in subsection (a) shall be within the exclusive jurisdiction of the United States Senate. The provisions of subsections (b), (c), and (d) are enacted by the Senate as an exercise of the rulemaking power of the Senate, with full recognition of the right of the Senate to change its rules, in the same manner, and to the same extent, as in the case of any other rule of the Senate.*

***SEC. 502. LEAVE FOR CERTAIN CONGRESSIONAL EMPLOYEES.***

*(a) IN GENERAL.—The rights and protections under sections 102 through 105 (other than section 104(b)) shall apply to any employee in an employment position and any employing authority of the House of Representatives.*

*(b) ADMINISTRATION.—In the administration of this section, the remedies and procedures under the Fair Employment Practices Resolution shall be applied.*

*(c) DEFINITION.—As used in this section, the term "Fair Employment Practices Resolution" means the resolution in rule LI of the Rules of the House of Representatives.*

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate disagree to the amendment of the House, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Presiding Officer [Mr. BRYAN] appointed Mr. KENNEDY, Mr. METZENBAUM, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. HATCH, Mrs. KASSEBAUM, and Mr. COATS conferees on the part of the Senate.

## WASTE ISOLATION PILOT PLANT LAND WITHDRAWAL ACT

Mr. BUMPERS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1671.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 1671) entitled "An Act to withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, New Mexico, and for other purposes", do pass with the following amendments:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Waste Isolation Pilot Plant Land Withdrawal Act".*

*(b) TABLE OF CONTENTS.—*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Definitions.*
*Sec. 3. Land withdrawal and reservation for WIPP.*
*Sec. 4. Establishment of management responsibilities.*
*Sec. 5. Plan for test phase activities; retrieval.*
*Sec. 6. Test phase activities.*
*Sec. 7. Disposal operations.*
*Sec. 8. Issuance of Environmental Protection Agency disposal standards.*
*Sec. 9. Compliance with environmental standards.*
*Sec. 10. Ban on high-level radioactive waste and spent nuclear fuel.*
*Sec. 11. Decommissioning of WIPP.*
*Sec. 12. Solid Waste Disposal Act; Clean Air Act.*
*Sec. 13. Economic assistance and miscellaneous payments.*
*Sec. 14. Transportation.*
*Sec. 15. Environmental evaluation group.*
*Sec. 16. Authorizations of appropriations.*
*Sec. 17. Buy American requirements.*

***SEC. 2. DEFINITIONS.***

*For purposes of this Act:*

*(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.*

*(2) AGREEMENT.—The term "Agreement" means the July 1, 1981, Agreement for Consultation and Cooperation, as amended by the November 30, 1984 "First Modification" the August 4, 1987 "Second modification", and the March 18, 1988 "Third modification", or as it may be amended after the date of enactment of this Act, between the State of New Mexico and the United States Department of Energy as authorized by section 213(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Public Law 96–164; 93 Stat. 1259, 1265).*

*(3) CONTACT-HANDLED TRANSURANIC RADIOACTIVE WASTE.—The term "contact-handled transuranic radioactive waste" means transuranic radioactive waste with a surface dose rate not greater than 200 millirem per hour.*

*(4) DECOMMISSIONING PHASE.—The term "decommissioning phase" means the period of time beginning with the end of the operations phase and ending when all shafts at the WIPP repository have been back-filled and sealed.*

*(5) DISPOSAL.—The term "disposal" means permanent isolation of transuranic radioactive waste from the accessible environment with no intent of recovery, whether or not such isolation permits the recovery of such waste.*

*(6) DISPOSAL STANDARDS.—The term "disposal standards" means the environmental standards for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste to be issued by the Administrator pursuant to section 8.*

*(7) EEG.—The term "EEG" means the Environmental Evaluation Group for the Waste Isolation Pilot Plant referred to in section 1433 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat. 1918, 2073).*

*(8) ENGINEERED BARRIERS.—The term "engineered barriers" means backfill, room seals, panel seals, and any other manmade barrier components of the disposal system.*

*(9) HIGH-LEVEL RADIOACTIVE WASTE.—The term "high-level radioactive waste" has the meaning given such term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)).*

*(10) OPERATIONS PHASE.—The term "operations phase" means the period of time, during which transuranic radioactive waste is disposed of at WIPP, beginning with the initial emplacement of transuranic radioactive waste underground for disposal and ending when the last container of transuranic radioactive waste, as determined by the Secretary, is emplaced underground for disposal.*

*(11) REMOTE-HANDLED TRANSURANIC RADIOACTIVE WASTE.—The term "remote-handled transuranic radioactive waste" means transuranic radioactive waste with a surface dose rate of 200 millirem per hour or greater.*

*(12) RETRIEVAL.—The term "retrieval" means the removal of transuranic radioactive waste and the container in which it has been retained and any material contaminated by such waste from the underground repository at WIPP.*

*(13) SECRETARY.—The term "Secretary", unless otherwise specified, means the Secretary of Energy.*

*(14) SPENT NUCLEAR FUEL.—The term "spent nuclear fuel" has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).*

*(15) TEST PHASE.—The term "test phase" means the period of time, during which test phase activities are conducted, beginning with the initial receipt of transuranic radioactive waste at WIPP and ending when the earliest of the following events occurs:*

*(A) The conditions described in section 7(b) are met.*

*(B) The Administrator certifies under section 9(c)(1)(B) that the WIPP facility will not comply with the disposal standards.*

*(C) The time period described in section 6(c)(5) expires.*

*(16) TEST PHASE ACTIVITIES.—The term "test phase activities" means the testing and experimentation activities that the Secretary determines to be necessary to determine the suitability of WIPP as a repository for the permanent isolation of transuranic radioactive waste.*

*(17) TEST PHASE PLAN.—The term "test phase plan" means the Department of Energy WIPP Test Phase Plan: Performance Assessment, dated April 1, 1990, and any revisions to such plan, approved by the Administrator under section 5.*

*(18) TRANSURANIC RADIOACTIVE WASTE.—The term "transuranic radioactive waste" means waste containing more than 100 nanocuries of alpha-emitting transuranic isotopes per gram of waste, with half-lives greater than 20 years, except for—*

*(A) high-level radioactive waste;*

*(B) waste that the Secretary has determined, with the concurrence of the Administrator, does not need the degree of isolation required by the disposal standards; or*

*(C) waste that the Nuclear Regulatory Commission has approved for disposal on a case-by-case basis in accordance with part 61 of title 10, Code of Federal Regulations.*

*(19) WIPP.—The term "WIPP" means the Waste Isolation Pilot Plant project authorized under section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Public Law 96–164; 93 Stat. 1259, 1265) to demonstrate the safe disposal of radioactive waste materials generated by defense programs.*

*(20) WITHDRAWAL.—The term "Withdrawal" means the geographical area consisting of the lands described in section 3(c).*

***SEC. 3. LAND WITHDRAWAL AND RESERVATION FOR WIPP.***

*(a) LAND WITHDRAWAL, JURISDICTION, AND RESERVATION.—*

*(1) LAND WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this Act, the lands described in subsection (c) are withdrawn from all forms of entry, appropriation, and disposal under the public land laws, including without limitation the mineral leasing laws, the geothermal leasing laws, the material sale laws (except as provided in section 4(b)(4) of this Act), and the mining laws.*

*(2) RESERVATION.—Such lands are reserved for the use of the Secretary of Energy for the construction, experimentation, operation, repair and maintenance, disposal, shutdown, monitoring, decommissioning, and other authorized ac-*

*tivities associated with the purposes of WIPP as set forth in section 213 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Public Law 96-164; 93 Stat. 1259, 1265), and this Act.*

*(b) REVOCATION OF PUBLIC LAND ORDERS.—Public Land Order 6403 of June 29, 1983, as modified by Public Land Order 6826 of January 28, 1991, and the memorandum of understanding accompanying Public Land Order 6826, are revoked.*

*(c) LAND DESCRIPTION.—*

*(1) BOUNDARIES.—The boundaries depicted on the map issued by the Bureau of Land Management of the Department of the Interior, entitled "WIPP Withdrawal Site Map," dated October 9, 1990, and on file with the Bureau of Land Management, New Mexico State Office, are established as the boundaries of the Withdrawal.*

*(2) LEGAL DESCRIPTION AND MAP.—Within 30 days after the date of the enactment of this Act, the Secretary of the Interior shall—*

*(A) publish in the Federal Register a notice containing a legal description of the Withdrawal; and*

*(B) file copies of the map described in paragraph (1) and the legal description of the Withdrawal with the Committees on Energy and Natural Resources and Armed Services of the Senate, the Committees on Interior and Insular Affairs, Energy and Commerce, and Armed Services of the House of Representatives, the Secretary of Energy, the Governor of the State of New Mexico, and the Archivist of the United States.*

*(d) TECHNICAL CORRECTIONS.—The map and legal description referred to in subsection (c) shall have the same force and effect as if they were included in this Act. The Secretary of the Interior may correct clerical and typographical errors in the map and legal description.*

*(e) WATER RIGHTS.—This Act does not establish a reservation to the United States with respect to any water or water rights on the Withdrawal. No provision of this Act may be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of New Mexico on or before the date of the enactment of this Act.*

***SEC. 4. ESTABLISHMENT OF MANAGEMENT RESPONSIBILITIES.***

*(a) GENERAL AUTHORITY.—The Secretary of the Interior shall be responsible for the management of the Withdrawal pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), this Act, and other applicable law, and shall consult with the Secretary of Energy and the State of New Mexico in discharging such responsibility and any other responsibility required by this Act.*

*(b) MANAGEMENT PLAN.—*

*(1) DEVELOPMENT.—Within 1 year after the date of the enactment of this Act, the Secretary of the Interior, in consultation with the Secretary of Energy and the State of New Mexico, shall develop a management plan for the use of the Withdrawal until the end of the decommissioning phase.*

*(2) PRIORITY OF WIPP-RELATED USES.—Any use of the Withdrawal for activities not associated with WIPP shall be subject to such conditions and restrictions as may be necessary to permit the conduct of WIPP-related activities.*

*(3) NON-WIPP RELATED USES.—The management plan developed under paragraph (1) shall provide for the maintenance of wildlife habitat and shall provide that the Secretary of the Interior may permit such non-WIPP related uses of the Withdrawal as the Secretary of the Interior determines to be appropriate, including domestic livestock grazing and hunting and trapping in accordance with the following requirements:*

*(A) GRAZING.—The Secretary of the Interior may permit grazing to continue where established before the date of the enactment of this Act, subject to such regulations, policies, and practices as the Secretary of the Interior, in consultation with the Secretary of Energy, determines to be necessary or appropriate. The management of grazing shall be conducted in accord with applicable grazing laws and policies, including—*

*(i) the Act entitled "An Act to stop injury to public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes," approved June 28, 1934 (43 U.S.C. 315 et seq., commonly referred to as the "Taylor Grazing Act");*

*(ii) title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.); and*

*(iii) the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1902 et seq.).*

*(B) HUNTING AND TRAPPING.—The Secretary of the Interior may permit hunting and trapping within the Withdrawal in accordance with applicable laws and regulations of the United States and the State of New Mexico, except that the Secretary of the Interior, after consultation with the Secretary of Energy and the State of New Mexico, may issue regulations designating zones where, and establishing periods when, no hunting or trapping is permitted for reasons of public safety, administration, or public use and enjoyment.*

*(4) DISPOSAL OF SALT TAILINGS.—The Secretary of the Interior shall dispose of salt tailings extracted from the Withdrawal that the Secretary of Energy determines are not needed for backfill at WIPP. Disposition of such tailings shall be made under sections 2 and 3 of the Act of July 31, 1947, (30 U.S.C. 602, 603; commonly referred to as the "Materials Act of 1947").*

*(5) PROHIBITION ON MINING.—No surface or subsurface mining, including slant drilling from outside the boundaries of the Withdrawal, shall be permitted at any time (including after decommissioning) on lands on or under the Withdrawal.*

*(c) CLOSURE TO PUBLIC.—If during the withdrawal made by section 3(a) the Secretary of Energy determines in consultation with the Secretary of the Interior that the health and safety of the public or the common defense and security require the closure to the public use of any road, trail, or other portion of the Withdrawal, the Secretary of Energy may take whatever action the Secretary of Energy determines to be necessary to effect and maintain the closure and shall provide notice to the public of such closure.*

*(d) MEMORANDUM OF UNDERSTANDING.—The Secretary of the Interior and the Secretary of Energy shall enter into a memorandum of understanding to implement the management plan developed under subsection (b). Such memorandum shall remain in effect until the end of the decommissioning phase.*

*(e) SUBMISSION OF PLAN.—Within 1 year after the date of the enactment of this Act, the Secretary of the Interior shall submit the management plan developed under subsection (b) to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the State of New Mexico. Any amendments to the plan shall be submitted promptly to such Committees and the State of New Mexico.*

***SEC. 5. PLAN FOR TEST PHASE ACTIVITIES; RETRIEVAL.***

*(a) REVIEWS OF TEST PHASE PLAN BY SECRETARY.—*

*(1) ANNUAL REVIEW.—The Secretary shall annually review the test phase plan and propose any revisions required to ensure that all of the proposed activities described in the plan are necessary to demonstrate that the WIPP facility will comply with the final disposal standards.*

*(2) REQUIRED CONSULTATION.—The Secretary shall conduct any review, and make any required revisions, of the test phase plan in consultation with the National Academy of Sciences, the Administrator, and the EEG.*

*(b) TEST PHASE ACTIVITIES TO BE CONDUCTED AT WIPP.—*

*(1) JUSTIFICATION AND TEST PHASE ACTIVITIES.—The test phase plan (and any revisions to such plan) shall—*

*(A) include justification for all test phase activities to be conducted at WIPP;*

*(B) specify the quantities and types of transuranic radioactive waste required for such activities; and*

*(C) be submitted for review and approval to the Administrator.*

*(2) APPROVAL BY ADMINISTRATOR.—*

*(A) IN GENERAL.—The Administrator shall determine by rule, pursuant to chapter 5 of title 5, United States Code, whether to approve or disapprove the test phase plan (and any revisions to such plan). The Administrator shall issue a proposed rule under this paragraph not later than than 90 days after receipt of such plan (and revisions).*

*(B) STANDARD FOR APPROVAL.— The Administrator may approve the test phase plan (and any revisions to such plan) only if the Administrator determines that all of the proposed activities described in such plan (and revisions) are necessary to demonstrate that the WIPP facility will comply with the final disposal standards under section 8.*

*(c) RETRIEVAL PLAN.—The Secretary shall issue and submit to the Administrator for review a detailed retrieval plan to be implemented by the Secretary under section 6(c)(5) or 9(b)(3). Such plan shall include specific plans for the interim management and storage of any such removed waste and specify the location of such storage. The Administrator shall determine by rule, pursuant to chapter 5 of title 5, United States Code, whether to approve or disapprove such plan. The Administrator shall issue a proposed rule under this subsection not later than than 90 days after receiving such plan.*

*(d) REVIEW BY STATE.—*

*(1) IN GENERAL.—In addition to the review by the Administrator of the test phase plan (or any revisions to such plan) under subsection (b)(2) and the retrieval plan under subsection (c), the Secretary shall submit each plan or revision, as appropriate, subject to review under such subsections to the State of New Mexico for review. The State of New Mexico shall complete its review and specify any disagreement with the plan (or any revisions to such plan) within 90 days of receipt of such plan or revisions.*

*(2) CONFLICT RESOLUTION.—In the event that the State of New Mexico disagrees with any aspect of any plan or revision to such plan subject to review under paragraph (1), the conflict resolution procedures described in Article IX of the Agreement shall be employed to resolve such disagreement.*

*(e) WASTE CHARACTERIZATION.—The Secretary shall, after providing notice and an opportunity for public comment, fully characterize all transuranic radioactive waste types at all sites from which wastes are to be shipped to WIPP. The results of such characterization shall be reflected in the test phase plan (and any revisions to such plan) before the Administrator may provide certification under section 9(c)(1)(B).*

***SEC. 6. TEST PHASE ACTIVITIES.***

*(a) GENERAL AUTHORITY.—The Secretary is authorized, subject to subsections (b) and (c), to conduct test phase activities in accordance with the test phase plan.*

*(b) REQUIREMENTS FOR COMMENCEMENT OF TEST PHASE ACTIVITIES.—The Secretary may not transport any transuranic radioactive waste to WIPP to conduct test phase activities under subsection (a) unless the following requirements are met:*

*(1) FINAL DISPOSAL STANDARDS ISSUED.—The final disposal standards are issued and published in the Federal Register under section 8.*

*(2) TERMS OF NO-MIGRATION DETERMINATION COMPLIED WITH.—The Administrator has determined that the Secretary has complied with the terms and conditions set forth in paragraphs (5), (6), and (7) of the no migration determination described at page 47,720 of Volume 55, No. 220 of the Federal Register, on November 14, 1990.*

*(3) RETRIEVAL PLAN APPROVED.—The Secretary has issued and the Administrator has approved the retrieval plan required under section 5(c).*

*(4) TEST PHASE PLAN APPROVED.—The Administrator has approved the test phase plan (and any revisions to such plan) in accordance with section 5(b)(2).*

*(5) CONSIDERATION BY STATE.—*

*(A) REVIEW COMPLETED.—The Secretary has complied with the requirements of section 5(d) and the State of New Mexico has completed its review under such section.*

*(B) CONFLICT RESOLUTION.—In the event that the conflict resolution procedures described in section 5(d)(2) are employed for any review required under section 5(d)(1), such review shall not be considered complete until the disagreement necessitating the use of such procedures has been resolved in accordance with such procedures.*

*(6) EMERGENCY RESPONSE TRAINING.—*

*(A) REVIEW.—The Secretary of Labor, acting through the Occupational Safety and Health Administration, has reviewed the emergency response training programs of the Department of Energy that apply to WIPP.*

*(B) CERTIFICATION.—The Secretary of Labor, acting through the Occupational Safety and Health Administration, has certified that emergency response training programs of the Department of Energy that apply to WIPP are in compliance with part 1910.120 of title 29, Code of Federal Regulations.*

*(7) CERTIFICATION OF SAFETY.—The Secretary has certified that the safety of all test phase activities to be completed at WIPP can be ensured through procedures that would not compromise the type, quantity, or quality of data collected from such test phase activities.*

*(c) LIMITATIONS.—Test phase activities conducted under subsection (a) shall be subject to the following limitations:*

*(1) QUANTITY OF WASTE THAT MAY BE TRANSPORTED.—During the test phase, the Secretary may transport to WIPP—*

*(A) only such quantities of transuranic radioactive waste as the Administrator has determined under section 5(b) are necessary to conduct test phase activities to demonstrate that the WIPP facility will comply with the disposal standards; and*

*(B) in no event more than 4,250 55-gallon drums of transuranic radioactive waste or ½ of 1 percent of the total capacity of WIPP as described in section 7(a), whichever is less.*

*(2) REMOTE-HANDLED WASTE.—*

*(A) TRANSPORTATION AND EMPLACEMENT.—The Secretary may not transport to or emplace remote-handled transuranic radioactive waste at WIPP during the test phase.*

*(B) STUDY.—*

*(i) IN GENERAL.—Within 2 years after the date of the enactment of this Act, the Secretary shall complete a study on remote-handled transuranic radioactive waste in consultation with affected States, the Administrator, and after the solicitation of views of other interested parties.*

*(ii) REQUIREMENTS OF STUDY.—Such study shall include an analysis of the impact of remote-handled transuranic radioactive waste on the performance assessment of WIPP and a comparison of remote-handled transuranic radioactive waste with contact-handled transuranic radioactive waste on such issues as gas generation, flammability, explosivity, solubility, and brine and geochemical interactions.*

*(iii) PUBLICATION.—The Secretary shall publish the findings of such study in the Federal Register.*

*(iv) REVISION.—Unless such study finds that remote-handled transuranic radioactive waste requires no additional precautions for disposal in WIPP, the Secretary shall revise the test phase plan to require testing of remote-handled transuranic radioactive waste subject to subparagraph (A).*

*(3) ANNUAL CERTIFICATIONS OF RETRIEVABILITY.—Beginning 1 year after the initial emplacement of transuranic radioactive waste underground at WIPP under subsection (a), and continuing annually throughout the test phase, the Secretary shall certify and the Administrator shall concur that all waste emplaced underground at WIPP remains and will remain fully retrievable during the test phase.*

*(4) STABILITY OF ROOMS USED FOR TESTING.—Transuranic radioactive waste may be emplaced in mined rooms in the underground repository at WIPP to conduct test phase activities only after the Secretary of Labor, acting through the Mine Safety and Health Administration, has certified to the Secretary of Energy that such rooms will remain sufficiently stable and safe to permit uninterrupted testing for the duration of such activities.*

*(5) COMPLIANCE WITH DISPOSAL STANDARDS.—If, upon the expiration of the 10-year period beginning on the date of the enactment of this Act, the Administrator has not certified under section 9(c)(1)(B) that the WIPP facility will comply with the disposal standards—*

*(A) the Secretary or the Secretary of the Interior, as appropriate, shall implement the retrieval plan under section 5(c) and the decommissioning and post-decommissioning plans under section 11; and*

*(B) following implementation of such plans, the land withdrawal made by section 3(a) shall terminate.*

***SEC. 7. DISPOSAL OPERATIONS.***

*(a) CAPACITY OF WIPP FACILITY.—The Secretary may dispose of not more than 5.6 million cubic feet of contact-handled transuranic radioactive waste and 95,000 cubic feet of remote-handled transuranic radioactive waste in WIPP.*

*(b) COMMENCEMENT OF DISPOSAL OPERATIONS.—The Secretary may commence emplacement of transuranic radioactive waste underground for disposal at WIPP only upon completion of—*

*(1) the Administrator's certification under section 9(c)(1)(B) that the WIPP facility will comply with the disposal standards;*

*(2) the submission to the Congress by the Secretary and the Secretary of the Interior, respectively, of plans for decommissioning WIPP and post-decommissioning management of the Withdrawal under section 11;*

*(3) the expiration of the 180-day period beginning on the date on which the Secretary notifies the Congress that all permits and certifications required for disposal operations to begin have been received;*

*(4) Nuclear Regulatory Commission certification as described in section 14(a) of a container for transporting remote-handled transuranic radioactive waste to WIPP;*

*(5) the acquisition by the Secretary (whether by purchase, condemnation, or otherwise) of Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C, unless the Administrator determines pursuant to the authority under section 9(a), 9(b), or 9(c) of this Act and section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) that such acquisition is not required; and*

*(6) the submittal to the Congress by the Secretary of comprehensive recommendations for the disposal of all transuranic radioactive waste under the control of the Secretary, including a timetable for the disposal of such waste.*

***SEC. 8. ISSUANCE OF ENVIRONMENTAL PROTECTION AGENCY DISPOSAL STANDARDS.***

*The Administrator shall issue, not later than 6 months after the date of the enactment of this Act, final environmental standards for the disposal of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste.*

***SEC. 9. COMPLIANCE WITH ENVIRONMENTAL STANDARDS.***

*(a) MANAGEMENT AND STORAGE; CLEAN AIR; HAZARDOUS WASTE.—*

*(1) APPLICABILITY.—The Secretary shall, during the test phase, the operations phase, and the decommissioning phase, comply with respect to WIPP, with—*

*(A) the Environmental Protection Agency standards for the management and storage of spent nuclear fuel, high-level radioactive waste, and transuranic radioactive waste described in subpart A of part 191 of title 40, Code of Federal Regulations;*

*(B) the Clean Air Act (40 U.S.C. 7401 et seq.);*

*(C) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);*

*(D) title XIV of the Public Health Service Act (the Safe Drinking Water Act) (42 U.S.C. 300f et seq.);*

*(E) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.);*

*(F) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);*

*(G) all regulations promulgated under the laws described in subparagraphs (B) through (F); and*

*(H) all other applicable Federal laws (and regulations promulgated thereunder) pertaining to public health and safety or the environment and all applicable State and local laws (and regulations promulgated thereunder) pertaining to public health and safety or the environment.*

*(2) PERIODIC OVERSIGHT BY ADMINISTRATOR AND STATE OF NEW MEXICO.—The Secretary shall, not later than 2 years after the date of the enactment of this Act, and biennially thereafter, submit documentation of continued compliance with the laws, regulations, and standards described in subparagraphs (A), (B), (D), (E), (F), (G), and (H) of paragraph (1), to the Administrator, and with the law described in paragraph (1)(C) and any regulations promulgated thereunder, to the State of New Mexico.*

*(3) CONCURRENCE OF ADMINISTRATOR.—The Administrator by rule pursuant to chapter 5 of title 5, United States Code, or the State of New Mexico, as appropriate, shall determine not later than 6 months after receiving a submission under paragraph (2) whether the Secretary is in compliance with the laws, regulations, and standards described in paragraph (1) with respect to WIPP.*

*(b) DETERMINATION OF NONCOMPLIANCE DURING TEST PHASE.—*

*(1) DETERMINATION BY ADMINISTRATOR.—If the Administrator determines at any time during the test phase that—*

*(A) the WIPP facility will not comply with the disposal standards under subsection (c)(1)(B);*

*(B) the Secretary is not conducting test phase activities involving underground emplacement of transuranic radioactive waste in a manner that allows the waste to be readily retrieved as required by condition (4) of the no-migration de-*

*termination described at page 47,720 of volume 55, No. 220 of the Federal Register, on November 14, 1990;*

*(C) conditions at the WIPP facility do not allow the waste to be readily retrieved as required by such condition; or*

*(D) the WIPP facility does not comply with any law, regulation, or standard described in subsection (a)(1);*

*the Administrator shall request a remedial plan from the Secretary describing actions the Secretary will take to comply with such regulatory requirements.*

*(2) DETERMINATION BY STATE.—If the State of New Mexico determines at any time during the test phase that the Secretary has not complied with the standards applicable to owners and operators of hazardous waste, treatment, storage, and disposal facilities under section 3004 of the Solid Waste Disposal Act (42 U.S.C. 6924) with respect to activities at WIPP, the State of New Mexico shall request a remedial plan from the Secretary describing actions the Secretary will take to comply with such regulatory requirements.*

*(3) IMPLEMENTATION OF RETRIEVAL PLAN.—If a remedial plan is not received from the Secretary within 6 months of a determination of noncompliance with a regulatory requirement described in paragraph (1) or (2), or if the Administrator or the State of New Mexico, as appropriate, finds any such remedial plan to be inadequate to demonstrate compliance with such regulatory requirement—*

*(A) the Secretary or the Secretary of the Interior, as appropriate, shall implement the retrieval plan under section 5(c) and the decommissioning and post-decommissioning plans under section 11; and*

*(B) following implementation of such plans, the land withdrawal made by section 3(a) shall terminate.*

*(c) DISPOSAL STANDARDS.—*

*(1) REQUIREMENTS FOR COMMENCEMENT OF DISPOSAL.—Before any transuranic radioactive waste may be emplaced underground at WIPP for disposal under section 7(b)—*

*(A) the Secretary shall have submitted sufficient documentation to the Administrator to demonstrate that the WIPP facility will comply with the disposal standards; and*

*(B) the Administrator shall have certified by rule pursuant to chapter 5 of title 5, United States Code, that the WIPP facility will comply with the disposal standards.*

*(2) PERIODIC RECERTIFICATION.—*

*(A) BY SECRETARY.—During the period beginning 2 years after the initial receipt of transuranic radioactive waste for disposal at WIPP and ending at the end of the decommissioning phase, the Secretary shall biennially demonstrate that the WIPP facility will comply with the disposal standards and submit documentation of such demonstration to the Administrator.*

*(B) CONCURRENCE OF ADMINISTRATOR.—The Administrator shall, not later than 6 months after receiving a submission under subparagraph (A), determine whether or not the WIPP facility will comply with the disposal standards.*

*(3) LIMITATION.—Any determination of the Administrator under paragraph (1)(B) or (2)(B) may only be made after the documentation is submitted to the Administrator under paragraph (1)(A) or (2)(A), respectively.*

*(4) ENGINEERED AND NATURAL BARRIERS.—The Secretary shall use both engineered and natural barriers at WIPP to isolate transuranic radioactive waste after disposal to the extent necessary to comply with the disposal standards.*

*(d) DETERMINATION OF NONCOMPLIANCE DURING OPERATIONS PHASE AND DECOMMISSIONING PHASE.—*

*(1) REMEDIAL PLANS.—*

*(A) MANAGEMENT AND STORAGE; CLEAN AIR; HAZARDOUS WASTE.—If, during the operations phase or decommissioning phase, the Administrator, or the State of New Mexico, as appropriate, determines after any submission under subsection (a)(2), that the Secretary has not demonstrated compliance with any regulatory requirement described in such subsection, the Administrator, or the State of New Mexico, as appropriate, shall request a remedial plan from the Secretary describing actions the Secretary will take to demonstrate compliance with such regulatory requirement.*

*(B) DISPOSAL STANDARDS.—If, during the operations phase or decommissioning phase, the Administrator determines under subsection (c)(2)(B), that the WIPP facility will not comply with the disposal standards, the Administrator shall request a remedial plan from the Secretary describing actions the Secretary will take to demonstrate that the facility will comply with such standards.*

*(2) CONSEQUENCES OF NONCOMPLIANCE DURING OPERATIONS PHASE OR DECOMMISSIONING PHASE.—If a plan is not received from the Secretary within 6 months of a determination of noncompliance with a regulatory requirement described in paragraph (1)(A) or (1)(B), or the Administrator or the State of New Mexico, as appropriate, finds any such plan inadequate to demonstrate compliance with such regulatory requirement—*

*(A) the Secretary shall retrieve, to the extent practicable, any transuranic radioactive waste and any material contaminated by such waste from underground at WIPP;*

*(B) the Secretary or the Secretary of the Interior, as appropriate, shall implement the decommissioning and post-decommissioning plans under section 11; and*

*(C) following completion of such retrieval and implementation of such plans, the land withdrawal made by section 3(a) shall terminate.*

*(e) ISSUANCE OF REGULATIONS.—The Administrator shall issue regulations not later than 6 months after the date of the enactment of this Act governing the approval of a test phase plan under section 5(b), periodic oversight under subsection (a)(2), the certification and recertification processes under subsections (c)(1)(B) and (c)(2)(B), respectively, and the retrieval process required under subsection (d)(2). Such regulations shall provide opportunities for public participation in such processes.*

*(f) SAVINGS PROVISION.—The authorities provided to the Administrator and the State pursuant to this section are in addition to the enforcement authorities available to the State pursuant to State law and to the Administrator, the State, and any other person, pursuant to the Solid Waste Disposal Act and the Clean Air Act.*

***SEC. 10. BAN ON HIGH-LEVEL RADIOACTIVE WASTE AND SPENT NUCLEAR FUEL.***

*The Secretary may not transport high-level radioactive waste or spent nuclear fuel to WIPP or emplace or dispose of such waste or fuel at WIPP.*

***SEC. 11. DECOMMISSIONING OF WIPP.***

*(a) PLAN FOR WIPP DECOMMISSIONING.—Within 5 years after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services and Energy and Natural Resources of the Senate; the Committees on Armed Services, Energy and Commerce, and Interior and Insular Affairs of the House of Representatives; the State of New Mexico; the Secretary of the Interior; and the Administrator a plan to be implemented by the Secretary for decommissioning WIPP. In addition to activities required under the Agreement, the plan shall conform to the disposal standards that apply to WIPP at the time the plan is prepared. The Secretary shall consult with the Secretary of the Interior and the State of New Mexico in the preparation of such plan.*

*(b) MANAGEMENT PLAN FOR THE WITHDRAWAL AFTER DECOMMISSIONING.—Within 5 years after the date of the enactment of this Act, the Secretary of the Interior shall develop a plan to be implemented by the Secretary of the Interior for the management and use of the Withdrawal following the decommissioning of WIPP and the termination of the land withdrawal made by section 3(a). The Secretary of the Interior shall consult with the Secretary and the State of New Mexico in the preparation of such plan and shall submit such plan to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives.*

***SEC. 12. SOLID WASTE DISPOSAL ACT; CLEAN AIR ACT.***

*No provision of this Act may be construed to supersede or modify the provisions of the Clean Air Act (42 U.S.C. 7401 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).*

***SEC. 13. ECONOMIC ASSISTANCE AND MISCELLANEOUS PAYMENTS.***

*(a) IMPACT ASSISTANCE PAYMENTS.—*

*(1) IN GENERAL.—The Secretary may, to such extent and for such amounts as are provided in advance in appropriation Acts, provide payments to the State of New Mexico to assist the State and its affected units of local government in mitigating the potential environmental, social, transportation, economic and other impacts resulting from WIPP. Payments under this paragraph—*

*(A) may not, in the aggregate, exceed $40,000,000; and*

*(B) shall be made from the $40,000,000 appropriated under Public Law 102–27 (105 Stat. 130, 141) and the Energy and Water Development Appropriations Act, 1992 (Public Law 102–104; 105 Stat. 510, 529).*

*(2) PAYMENTS TO LOCAL GOVERNMENTS.—A portion of all payments received by the State of New Mexico under paragraph (1) shall be provided directly to the affected units of local government in the vicinity of, and along the transportation routes to, WIPP. The portion of payments provided to local governments, the identification of local governments to receive payments, and the amount of payment to each local government shall be based on a State assessment of needs, conducted in consultation with affected units of local government and based upon the demonstration of local impacts by the affected local governments.*

*(3) MEDICAL EMERGENCY PREPAREDNESS PAYMENTS TO LOCAL GOVERNMENTS.—A portion of all payments received by the State of New Mexico under paragraph (1) shall be used for the equipment and training needs of the health care community for purposes of responding to emergencies arising from the operation of WIPP or the transportation of transuranic radioactive waste to WIPP.*

*(4) ECONOMIC IMPACT MONITORING FUNCTION.—A portion of all payments received by the State of New Mexico under paragraph (1) shall be used to establish a Socioeconomic Impact Monitoring Group within the Waste Management Education and Research Consortium to undertake an annual review of activities at WIPP.*

*(b) WIPP-RELATED BUSINESS AND EMPLOYMENT OPPORTUNITIES.—To the maximum extent practicable, the Secretary shall continue to encourage business and employment opportunities related to WIPP that may be conducive to the economy of the State of New Mexico, especially Lea and Eddy counties, and report annually to the State of New Mexico on these activities.*

***SEC. 14. TRANSPORTATION.***

*(a) SHIPPING CONTAINERS.—No transuranic radioactive waste may be transported by or for the Secretary to or from WIPP, except in packages that have been certified for the transportation of transuranic radioactive waste by the Nuclear*

*Regulatory Commission and have satisfied the Nuclear Regulatory Commission's quality assurance provisions.*

*(b) ACCIDENT PREVENTION AND EMERGENCY PREPAREDNESS.—*

*(1) TRAINING.—*

*(A) IN GENERAL.—In addition to activities required pursuant to the December 27, 1982, Supplemental Stipulated Agreement, the Secretary shall provide technical assistance for the purpose of training public safety officials, and other emergency responders as described in part 1910.120 of title 29, Code of Federal Regulations, in any State or Indian tribe through whose jurisdiction the Secretary plans to transport transuranic radioactive waste to or from WIPP. Within 30 days of the date of the enactment of this Act, the Secretary shall submit a report to the Committee on Energy and Natural Resources of the Senate and the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and to the States and Indian tribes through whose jurisdiction the Secretary plans to transport transuranic radioactive waste on the training provided through fiscal year 1992.*

*(B) ONGOING TRAINING.—If determined by the Secretary, in consultation with affected States and Indian tribes, to be necessary and appropriate, training described in subparagraph (A) shall continue after the date of the enactment of this Act until the transuranic radioactive waste shipments to or from WIPP have been terminated.*

*(C) REVIEW OF TRAINING.—The Secretary shall periodically review the training provided pursuant to subparagraph (A) in consultation with affected States and Indian tribes.*

*(D) COMPONENTS OF TRAINING.—The training provided pursuant to subparagraph (A) shall cover procedures required for the safe routine transportation of transuranic radioactive waste, as well as procedures for dealing with emergency response situations, including—*

*(i) instruction of government officials and public safety officers in procedures for the command and control of the response to any incident involving the waste;*

*(ii) instruction of emergency response personnel in procedures for the initial response to an incident involving transuranic radioactive waste being transported to or from WIPP;*

*(iii) instruction of radiological protection and emergency medical personnel in procedures for responding to an incident involving transuranic radioactive waste being transported to or from WIPP; and*

*(iv) a program to provide information to the public about the transportation of transuranic radioactive waste to or from WIPP.*

*(2) EQUIPMENT.—The Secretary may enter into agreements to assist States through contributions in-kind, in acquiring equipment for response to an incident involving transuranic radioactive waste transported to or from WIPP.*

*(c) SANTA FE BYPASS.—No transuranic radioactive waste may be transported from the Los Alamos National Laboratory to WIPP until—*

*(1) all of the funds necessary for the cost of construction of the Santa Fe bypass have been appropriated by the Congress or the State of New Mexico; or*

*(2) the Santa Fe bypass has been completed.*

*(d) STUDY OF TRANSPORTATION ALTERNATIVES.—*

*(1) IN GENERAL.—The Secretary shall conduct a study comparing the shipment of transuranic radioactive waste to the WIPP facility by truck and by rail, including the use of dedicated trains, and shall submit a report on the study in accordance with paragraph (2). Such report shall include—*

*(A) a consideration of occupational and public risks and exposures, and other environmental impacts;*

*(B) a consideration of emergency response capabilities;*

*(C) an estimation of comparative costs; and*

*(D) findings and recommendations with respect to—*

*(i) the most appropriate routes for transporting transuranic radioactive waste to WIPP based on the foregoing considerations; and*

*(ii) necessary or appropriate measures to minimize the potential risks to public health and safety and the environment of transporting transuranic radioactive waste along such routes, taking into consideration weather, other natural conditions or hazards, and other relevant criteria.*

*(2) IMPLEMENTATION OF STUDY RECOMMENDATIONS.—The Secretary, in consultation with affected States and Indian tribes, shall implement the recommendations made under paragraph (1)(D) to the extent practicable. The Secretary shall certify such implementation to the Congress prior to the transportation of transuranic radioactive waste to WIPP for disposal.*

*(3) REPORT.—The report required in paragraph (1) and the certification required in paragraph (2) shall be submitted to the Speaker of the House of Representatives and the President pro tempore of the Senate not later than July 1, 1993.*

*(4) FUNDING.—Of appropriated amounts described in section 13(a)(1)(B), the Secretary shall use an amount not to exceed $300,000 to carry out the study required under this subsection.*

***SEC. 15. ENVIRONMENTAL EVALUATION GROUP.***

*(a) ACCESS TO DATA, REPORTS AND MEETINGS.—The Secretary shall—*

*(1) provide the EEG with free and timely access to data relating to WIPP produced or obtained by the Secretary or contractors of the Secretary;*

*(2) provide the EEG with preliminary reports relating to WIPP; and*

*(3) permit the EEG to attend meetings relating to WIPP with expert panels, peer review groups, and appropriate Federal agencies.*

*(b) EVALUATION AND PUBLICATION.—The EEG may evaluate and publish analyses of the Secretary's plans for test phase activities, monitoring, transportation, operations, decontamination, retrieval, performance assessment, compliance with Environmental Protection Agency standards, decommissioning, safety analyses, and other activities relating to WIPP.*

*(c) CONSULTATION AND COOPERATION.—The Secretary shall consult and cooperate with the EEG in carrying out the requirements of this section.*

***SEC. 16. AUTHORIZATIONS OF APPROPRIATIONS.***

*(a) FOR ADMINISTRATOR.—*

*(1) IN GENERAL.—There are authorized to be appropriated to the Administrator for the purpose of fulfilling the responsibilities of the Administrator under this Act, $10,000,000 for fiscal year 1992, $12,000,000 for fiscal year 1993, $14,000,000 for fiscal year 1994, and such sums as may be necessary for fiscal years 1995 through 2001.*

*(2) REPORT.—The Administrator shall, not later than September 30, 1993, and annually thereafter, issue a report to the Committees on Interior and Insular Affairs and Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on the status of and resources required for the fulfillment of the Administrator's responsibilities under this Act.*

*(b) TRANSFERS FROM SECRETARY TO ADMINISTRATOR AND MSHA.—The Secretary is authorized to transfer from amounts appropriated for environmental restoration and waste management for fiscal years 1992 and 1993, and (to the extent approved in appropriation Acts) for fiscal years 1994 through 2001, such sums as may be useful for the purpose of assisting in the fulfillment of the responsibilities of the Administrator under this Act and the Mine Safety and Health Administration under section 6(c)(4).*

*(c) ACQUISITION OF LEASEHOLD.—There are authorized to be appropriated to the Secretary such sums as may be necessary to acquire the 1,600 acre potash leasehold within the Withdrawal, comprising a portion of Federal Potash Lease No. NM 0384584, and the Federal Oil and Gas Leases No. NMNM 02953 and No. NMNM 02953C.*

***SEC. 17. BUY AMERICAN REQUIREMENTS.***

*(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated or transferred pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").*

*(b) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—*

*(1) IN GENERAL.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.*

*(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.*

Amend the title so as to read: "An Act to withdraw land for the Waste Isolation Pilot Plant, and for other purposes.".

Mr. BUMPERS. I move that the Senate disagree to the amendments of the House, request a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

The motion was agreed to; and the Presiding Officer appointed Mr. JOHNSTON, Mr. FORD, Mr. BINGAMAN, Mr. CONRAD, Mr. WALLOP, Mr. DOMENICI, and Mr. COATS conferees on the part of the Senate.

## INCREASES IN AUTHORIZATIONS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 542, S. 2321, a bill to increase the authorizations for the War in the Pacific National Historical Park, Guam, and the American Memorial Park, Saipan, and for other purposes; that the bill be read for the third time, passed, and the motion to reconsider be laid upon the table.

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

Mr. AKAKA. Mr. President, I rise in support of S. 2321 and urge its passage.

At the outset, let me commend my colleagues on the Senate Energy and Natural Resources Committee for helping advance this bill to the Senate floor. Without the leadership of Chairman JOHNSTON as well as Senator WALLOP, Senator BUMPERS, and Senator MURKOWSKI, this bill would never have advanced this far in the process.

I also want to express my special thanks to Senator HEFLIN. More than

anyone, he understands the importance of this legislation. Our colleague from Alabama served in the battle to liberate Guam, was wounded there, and personally witnessed the sacrifices of American service personnel during that conflict.

The summer of 1994 will mark the 50th anniversary of the capture of the Marianas Islands and the liberation of Guam, sites of two of the largest land battles of the World War II Pacific campaign on what is now U.S. territory.

Nearly 6,000 U.S. soldiers and civilians gave their lives in these battles.

These dearly bought victories are representative of the island-hopping campaign which characterized the unique, ferocious war in the Pacific theater, a campaign which led to the eviction of enemy forces from strategic islands in the Central and Southwest Pacific, and eventually, to the surrender of Japan.

For the marines and soldiers who survived these battles, as well as the families and descendants of those who perished, the words Saipan, Tinian, and Guam are synonymous with courage, duty, and sacrifice. Thoughts of these battles stir the deepest emotions in all who served in the Pacific campaign.

No doubt these battles also had a profound effect on a 20-year-old naval aviator—named George Bush—who participated in aerial attacks on Japanese fortifications in Guam and Saipan in order to soften Japanese defenses for the marine assault that was to follow.

Unfortunately, despite the significance of the Marianas campaign and the river of blood spilled there by American servicemen, the condition of these historic battlefields is an affront to all Americans. Facilities at these sites are limited or nonexistent. Little identifies or interprets the history of these battles or recognizes the sacrifices of those who died there. Rust corrodes the tanks and cannon on public display, weeds and grasses cover roads and walkways, and facilities are marred by graffiti.

The 50th anniversary of these battles will soon be upon us. Yet little has been done to construct the facilities necessary for a proper interpretation of these watershed battles of the Pacific war. I fear that unless S. 2321 reaches the President's desk in the very near future, the 50th anniversary of these battles will come as a grave disappointment to veterans returning to these sites just 2 years from now.

The issue we face is rather simple. Congress and the Bush administration must ask itself whether what we fought for in 1944 is worth honoring today. I certainly believe it is.

How we treat those who fought and died on our behalf is a reflection of our national character. We must fulfill the commitment made years ago to establish these battlefield parks as a lasting remembrance of these events for years to come.

In closing, I would also like to thank our fine staff on the Senate Energy Committee. No Senate committee has a more talented and dedicated group of professionals. Without their commitment, a bill such as this could easily be overlooked.

So, the bill (S. 2321) was passed, as follows:

S. 2321

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

**SECTION 1. FINDINGS.**

Congress finds that—

(1) June 15 through August 10, 1994, marks the 50th anniversary of the Mariana campaign of World War II in which United States forces captured the Japanese islands of Saipan and Tinian and liberated the United States Territory of Guam from Japan;

(2) an attack during this campaign by the Japanese combined fleet, aimed at annihilating the United States forces that had landed on Saipan, led to the battle of the Philippine Sea, which resulted in a crushing defeat for the Japanese by United States naval forces and the destruction of the effectiveness of the Japanese carrier-based airpower;

(3) the recapture of Guam liberated one of the few pieces of United States territory that was occupied by the enemy during World War II and restored United States Government to more than 20,000 native Guamanians;

(4) units of the United States Army, Navy, Marine Corps, and Coast Guard fought with great bravery and sacrifice, suffering casualties of approximately 5,700 killed and missing and 21,900 wounded in action;

(5) United States forces succeeded in destroying all Japanese garrisons in Saipan, Tinian, and Guam, which resulted in Japanese military casualties of 54,000 dead and 21,900 taken prisoner;

(6) Guamanians, notably members of the Navy Insular Force Guard and volunteer militia, bravely resisted the invasion and occupation of their island, and ultimately assisted in the expulsion of Japanese forces from Guam;

(7) at the hands of the Japanese, the people of Guam—

(A) were forcibly removed from their homes;

(B) were relocated to remote sections of the island;

(C) were required to perform forced labor and faced other harsh treatment, injustices, and death; and

(D) were eventually placed in concentration camps and subjected to retribution when the liberation of their island became apparent to the Japanese;

(8) the seizure of the Mariana Islands severed Japanese lines of communication between Japan proper and those remaining Japanese bases and forces in the Central Pacific south of the Mariana Islands and in the South Pacific as well;

(9) the Mariana Islands provided large island areas on which advance bases could be constructed to support further operations against Japanese possessions and conquered territories such as Iwo Jima and Okinawa, the Philippines, Taiwan, and the south China coast, and ultimately against the Japanese home islands;

(10) the Mariana Islands provided, for the first time during the war, island air bases from which United States land-based airpower could reach Japan itself; and

(11) the air offensive staged from the Mariana Islands against Japanese cities and economic infrastructure helped shorten the war and vitiate the need for the invasion and capture of the Japanese home islands.

**SEC. 2. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) an appropriate commemoration of the 50th anniversary of the Mariana campaign should be planned; and

(2) the Secretary of the Interior should take all necessary steps to ensure that two visitors centers to provide appropriate facilities for the interpretation of the events described in section 1 are completed, one at the War in the Pacific National Historical Park and one at the American Memorial Park, before June 15, 1994, the beginning of the 50th anniversary of the campaign.

**SEC. 3. WAR IN THE PACIFIC NATIONAL HISTORICAL PARK.**

Section 6(k) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved August 18, 1978 (92 Stat. 493; 16 U.S.C. 410dd(k)), is amended by striking "$500,000" and listening "$8,000,000".

**SEC. 4. AMERICAN MEMORIAL PARK.**

Section 5(g) of the Act entitled "An Act to authorize appropriations for certain insular areas of the United States, and for other purposes", approved August 18, 1978 (92 Stat. 492), is amended by striking "$3,000,000" and inserting "$8,000,000".

## COMPENSATION FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 546, S. 2322, a bill to increase the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2322) to increase the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

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 was reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 1992".

**SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.**

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1992, the rates of and limitations on Department of Veterans Affairs disability compensation

and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Rate Amendments of 1991 (Public Law 102-152; 105 Stat. 985). The increase shall be made in such rates and limitations as in effect on November 30, 1992, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1992, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (2 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 214(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1992, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

Mr. CRANSTON. Mr. President, as chairman of the Committee on Veterans' Affairs, I rise in strong support of this legislation to provide a cost-of-living adjustment in compensation paid to veterans with service-connected disabilities and to survivors of veterans who died from service-connected causes. We must attach the highest priority to meeting the Nation's responsibilities to these 2.2 million veterans and 350,000 survivors. This is—and always has been—my number-one priority in veterans' affairs.

Mr. President, through an annual COLA, we ensure that the value of these essential benefits is not eroded by inflation. The bill we are considering today would increase, effective December 1, 1992, the rates of compensation paid to veterans with service-connected disabilities and of dependency and indemnity compensation [DIC] paid to the survivors of certain service-disabled veterans. The rates would increase by the same percentage as the increase in Social Security and VA pension benefits. The compensation COLA would become effective on the same date that the increase for those benefits takes effect.

The Congressional Budget Office's most recent estimate of the December 1, 1992, Social Security and VA-pension COLA is 3.2 percent. The President's fiscal year 1993 budget contained an estimate that the increase would be 3 percent. CBO estimates that a 3.2-percent COLA would cost $339 million in budget authority and $305 million in outlays over current law, but these costs already are included in the CBO and administration baselines for fiscal year 1993.

Mr. President, last year, the committee learned from VA's testimony at our June 12, 1991, hearing on S. 775, our fiscal year 1992 compensation COLA bill, that OMB's fiscal year 1992 baseline assumed all veterans' compensation rate increases would be rounded down to the next-lower whole dollar. This would have had the effect of attributing direct-spending costs, which could have triggered a sequestration, to VA compensation-COLA legislation that provided for normal rounding to the nearest whole dollar. However, the Social Security and VA-pension COLA's, on which the increases in the rates of compensation are based, actually were just 3.7 percent—lower than the 5.2-percent estimate in the OMB baseline. This totally fortuitous circumstance enabled the Congress to enact a full, normally rounded COLA that avoided a sequester.

OMB's fiscal year 1992 baseline could have forced the Congress to make significant cuts in other programs to provide a full, normally rounded compensation COLA to service-disabled veterans and their survivors. If the OMB baseline accurately had predicted the 3.7-percent COLA for fiscal year 1992, enactment of a normally rounded 3.7-percent COLA would have been scored by OMB as exceeding the pay-as-you-go rule by $21 million in fiscal year 1992 and almost $25 million for each year thereafter, under OMB's rule. Each year's difference would be additive, so the OMB rule could have forced cuts of over $230 million during fiscal years 1992 through 1995.

For reasons explained in the committee's report accompanying S. 775 last year, Senate Report No. 102-139, I believe the unilateral OMB policy violated the 1990 budget summit agreement. In order to overrule OMB's policy, a provision of S. 775 that I authored would have required OMB's baseline to assume normal rounding of the COLA for each compensation rate. The House has not yet acted on S. 775 due to provisions unrelated to the COLA-rounding issue. However, the House passed a substantively identical provision in an amendment to H.R. 2280 on November 25, 1991, but the Senate did not act on that bill, again due to provisions unrelated to the COLA-rounding issue.

Mr. President, I am pleased to note that Secretary Derwinski has confirmed that the President's fiscal year 1993 budget includes a proposed compensation COLA that assumes normal rounding. I believe that the attention that our Committee and the Senate focused on this issue last year was at least partially responsible for OMB's reversal on the COLA-rounding rule.

I also am pleased that the administration has not proposed legislation that it and the preceding administration previously advocated that would have diminished congressional control and oversight of the veterans' compensation COLA by indexing these benefits. On November 20, 1991, the Senate voted 71 to 24 against indexing the COLA.

Mr. President, I thank the ranking minority member of the committee, Senator SPECTER, and the other members of the committee for their support for S. 2322 and prompt Senate action on it.

Mr. President, I urge my colleagues to give their unanimous support to this measure.

Mr. SPECTER. Mr. President, as ranking Republican member of the Committee on Veterans' Affairs, and as an original cosponsor, I am pleased to support passage of S. 2322, a bill to provide a cost-of-living allowance for veterans receving service-connected disability compensation and for surviving spouses receiving dependency and indemnity compensation [DIC]. The increase provided would be equal to that which will be paid to recipients of Social Security benefits, and would be effective December 1, 1992.

I believe that it is of the utmost importance that we provide a cost of living allowance for these beneficiaries to ensure that their benefits do not decrease. There can be no more important class of citizens than those who have suffered disabilities or who have lost spouse due to service to their country. Ensuring that compensation and DIC keep pace with the cost of living are among the most important missions of the Congress. Speaking as one who has had the honor to serve on the Veterans' Committee for nearly 12 years, I am pleased to note that we have consistently fought for annual increases in these vital benefits.

I am pleased, Mr. President, that we are able to keep our faith with these veterans and survivors. I look forward to rapid House and White House action so that these beneficiaries will see the increased rates in their January checks.

I urge my colleagues to support this important bill.

Mr. DOMENICI. Mr. President, I rise in support of S. 2322, the veterans' compensation cost-of-living adjustment. This legislation will provide our veterans, their spouses, children and dependent parents who are receiving compensation for service-connected disability or dependency and indemnity compensation with 3.7-percent increase in their monthly compensation checks.

Through this bill approximately 21,000 veterans and survivors in New Mexico and 2.2 million veterans nationally will receive increases in their compensation on a monthly basis.

This COLA is designed to increase the payment we give to veterans who

have suffered a loss in their earning capacity due to service-related injuries. This compensation also provides added income to survivors by making up for the loss of family income caused by the death or disability of a servicemember.

This COLA provided to veterans and their survivors is based on the Consumer Price Index [CPI] and will match increases given to Social Security recipients. Veterans and their families will receive an increase in their monthly checks beginning on December 1, 1992.

I am very pleased to understand this legislation does not have any extraneous provisions that might violate the budget agreement of 1990. I congratulate the chairman of the Veterans' Affairs Committee for producing a bill that does not contribute to our already burdensome deficit. Additionally, I am very pleased the Senate has been able to address this important issue in a timely manner, so we can assure our veterans their income will increase in December 1992.

Mr. President, it is crucial that we support our veterans—support those who have made such a tremendous sacrific to keep our Nation safe and I certainly believe we are doing this through the passage of this veterans' COLA bill.

The PRESIDING OFFICER. The bill is open is 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.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 2322), as amended, was passed as follows:

S. 2322

*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 "Veterans' Compensation Cost-of-Living Adjustment Act of 1992".

**SEC. 2. DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION RATE INCREASES.**

(a) IN GENERAL.—(1) The Secretary of Veterans Affairs shall, as provided in paragraph (2), increase, effective December 1, 1992, the rates of and limitations on Department of Veterans Affairs disability compensation and dependency and indemnity compensation.

(2)(A) The Secretary shall increase each of the rates and limitations in sections 1114, 1115(1), 1162, 1311, 1313, and 1314 of title 38, United States Code, that were increased by the amendments made by the Veterans' Compensation Rate Amendments of 1991 (Public Law 102-152; 105 Stat. 985). The increase shall be made in such rates and limitations as in effect on November 30, 1992, and shall be by the same percentage that benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 1992, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(B) In the computation of increased rates and limitations pursuant to subparagraph (A), amounts of $0.50 or more shall be rounded to the next higher dollar amount and amounts of less than $0.50 shall be rounded to the next lower dollar amount.

(b) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 (2 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(c) PUBLICATION REQUIREMENT.—At the same time as the matters specified in section 214(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 1992, the Secretary shall publish in the Federal Register the rates and limitations referred to in subsection (a)(2)(A) as increased under this section.

Mr. BUMPERS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

## VETERANS HEALTH CARE AMENDMENTS OF 1992

Mr. BUMPERS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2344.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House insist upon its amendment to the bill (S. 2344) entitled "An Act to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BUMPERS. Mr. President, I move that the Senate disagree to the amendment of the House, agree to its request for a conference on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. CRANSTON, Mr. ROCKEFELLER, and Mr. SPECTER conferees on the part of the Senate.

(Subsequently, the following occurred.)

## ACTION ON MESSAGE FROM HOUSE VITIATED—S. 2344

Mr. BUMPERS. Mr. President, I ask unanimous consent that we vitiate the action previously taken on the message from the House of Representatives on S. 2344, a bill relating to Veterans Health Care.

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

## PREVENTING REDUCTION IN ADJUSTED COST OF THRIFTY FOOD PLAN

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 3001, a bill to prevent the reduction in the adjusted cost of the thrifty food plan during fiscal year 1993, and that the Senate then proceed to its immediate consideration; that the bill be deemed read a third time, passed, and the motion to reconsider laid upon the table.

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

So the bill (S. 3001) was deemed read a third time, and passed, as follows:

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

**SECTION 1. ADJUSTED COST OF THRIFTY FOOD PLAN.**

Section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11)) is amended by inserting before the period at the end of the following: ", except that on October 1, 1992, the Secretary may not reduce the cost of such diet".

Mr. DOLE. Mr. President, I commend the distinguished ranking member of the Budget Committee for moving quickly to hold fiscal year 1993 food stamp benefit levels harmless from the decrease in the cost of the thrifty food plan. Let me just underscore the need for this legislation.

Without this fix, millions of food stamp recipients will soon have their benefits cut due to the statutory requirement that benefits be adjusted each October based on the cost of the thrifty food plan in the previous June—which this year went down.

Those who would be hardest hit by this mandatory cut are large households—typically families with children—and households with zero income.

Mr. President, these households are among those most in need of this aid, and we owe it to them to move expeditiously to ensure that they do not face a drop in benefits.

## MEASURE PLACED ON CALENDAR—H.R. 5400

Mr. BUMPERS. Mr. President, I ask unanimous consent that H.R. 5400, the Homeless Veterans Program bill, just received from the House, be placed on the calendar.

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

## EXPANDING MEMBERSHIP OF COMMISSION ON IMMIGRATION REFORM

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. 3090, a bill to expand the membership of the Commission on Immigration Reform, introduced earlier today by Senator KENNEDY; that the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table.

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

So the bill (S. 3090) was deemed read a third time, and passed, as follows:

S. 3090

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

**SECTION 1. MEMBERSHIP OF THE COMMISSION ON IMMIGRATION REFORM.**

Section 141(a)(1) of the Immigration Act of 1990 (8 U.S.C. 1153 note) is amended—

(1) in the text above subparagraph (A), by striking "Effective" and all that follows through "9 members" and inserting "The Commission on Immigration Reform (hereafter in this section referred to as the 'Commission') shall be composed of 13 members";

(2) in paragraph (1)(B), by striking "Two" and inserting "Three";

(3) in paragraph (1)(C), by striking "Two" and inserting "Three";

(4) in paragraph (1)(D), by striking "Two" and inserting "Three";

(5) in paragraph (1)(E), by striking "Two" and inserting "Three";

**SEC. 2. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS EMPLOYED ABROAD.**

Private Law 98-53 (8 U.S.C. 1101 note) is amended—

(1) in the title, by inserting "or by Beirut University College" after "Beirut"; and

(2) in the text, by inserting before the period at the end thereof the following: "or by Beirut University College".

## SUBSTITUTION OF CONFEREE ON S. 1671

Mr. BUMPERS. Mr. President, I ask unanimous consent that the name of Senator CRAIG be substituted for that of Senator COATS as a conferee on S. 1671.

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

## ORDER OF PROCEDURE

Mr. BUMPERS. Mr. President, I ask unanimous consent that Senator GORTON be recognized to address the Senate for up to 10 minutes, and that at the conclusion of his remarks, the Senate stand in recess as ordered.

Mr. SIMPSON. I shall not object. I commend the Senator from Arkansas for his floor managership of the bill. It was very effectively done. He is a very efficient pinch hitter—and better as a principal hitter—and does a beautiful job with his work in the U.S. Senate. I have learned much from him in my time here. He was very helpful to me when I came here in 1979, and it is good to see him doing his legislative activity.

Mr. BUMPERS. Mr. President, the Senator from Wyoming is more than gracious, and I thank him sincerely for those kind comments.

Mr. President, I ask unanimous consent that the Senator from Washington be recognized for 10 minutes at the conclusion of which the Senate will stand in recess.

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

The Senator from Washington [Mr. GORTON], is recognized for 10 minutes.

Mr. GORTON. I thank the Chair.

(The remarks of Mr. GORTON pertaining to the introduction of S. 3091 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## 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, and a treaty.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 10:28 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills and joint resolution:

H.R. 4312: An act to amend the Voting Rights Act of 1965 with respect to bilingual election requirements;

H.R. 5503. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes; and

S.J. Res. 92. A joint resolution to designate July 28, 1992, as "Buffalo Soldiers Day".

At 4:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution:

H.R. 711. An act to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company;

H.R. 1168. An act to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances;

H.R. 1182. An act to authorize and direct the exchange of lands of Colorado.

H.R. 3537. An act to direct the Secretary of Transportation to establish a Civil Tiltrotor Development Advisory Committee in the Department of Transportation, and for other purposes;

H.R. 3898. An act to provide for the addition of the Truman Farm House to the Harry S Truman National Historic Site in the State of Missouri;

H.R. 4004. An act to assist in the development of tribal judicial systems, and for other purposes;

H.R. 4026. An act to formulate a plan for the management of natural and cultural resources on the Zuni Indian Reservation, on the lands of the Ramah Band of the Navajo Tribe of Indians, and the Navajo Nation, and in other areas within the Zuni River watershed and upstream from the Zuni Indian Reservation, and for other purposes;

H.R. 4085. An act to amend the Act of August 7, 1961, establishing the Cape Cod National Seashore, and for other purposes;

H.R. 4370. An act to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes;

H.R. 4382. An act to modify the boundaries of the New River Gorge National River, Gualey River National Recreational Area, and the Bluestone National Scenic River in West Virginia;

H.R. 4437. An act to provide that a certain project on the Pine River in Michigan, is not subject to part 1 of the Federal Power Act;

H.R. 5291. An act to provide for the temporary use of certain lands in the city of South Gate, California, for elementary school purposes;

H.R. 5400. An act to establish in the Department of Veterans Affairs a program of comprehensive services for homeless veterans;

H.R. 5465. An act to amend title XIII of the Federal Aviation Act of 1958 relating to aviation insurance;

H.R. 5566. An act to provide additional time to negotiate settlement of a land dispute in South Carolina;

H.R. 5636. An act to amend the Internal Revenue Code of 1986 to ensure that charitable beneficiaries of charitable remainder trusts are aware of their interests in such trusts;

H.R. 5637. An act to amend the Internal Revenue Code of 1986 to clarify the treatment of certain buildings under the rehabilitation credit, and for other purposes;

H.R. 5638. An act to amend the Internal Revenue Code of 1986 to permit losses on sales of certain prior principal residences to offset gain on a subsequent sale of a principal residence;

H.R. 5639. An act to permit tax-exempt bonds to be issued to finance office buildings for the United Nations;

H.R. 5640. An act to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions;

H.R. 5651. An act to provide for the payment of retirement and survivor annuities to certain ex-spouses of employees of the Central Intelligence Agency and to provide for the tax treatment of certain disability benefits; and

S.J. Res. 310. A joint resolution to designate August 1, 1992, as "Helsinki Human Rights Day";

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2079. An act to establish the Marsh-Billings National Historical Park in the State of Vermont, and for other purposes.

## MEASURES REFERRED

The following bills were read the first and second times, and referred as indicated:

H.R. 711. An act to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by the United States to the Central Pacific Railway Company; to the Committee on Energy and Natural Resources;

H.R. 1168. An act to provide that for taxable years beginning before 1980 the Federal income tax deductibility of flight training expenses shall be determined without regard to whether such expenses were reimbursed through certain veterans educational assistance allowances; to the Committee on Finance;

H.R. 1182. An act to authorize and direct the exchange of lands of Colorado; to the Committee on Energy and Natural Resources;

H.R. 3537. An act to direct the Secretary of Transportation to establish a Civil Tiltrotor Development Advisory Committee in the Department of Transportation, and for other purposes; to the Committee on Commerce, Science and Transportation;

H.R. 3898. An act to provide for the addition of the Truman Farm House to the Harry S Truman National Historic Site in the State of Missouri; to the Committee on Energy and Natural Resources;

H.R. 4085. An act to amend the Act of August 7, 1961, establishing the Cape Cod National Seashore, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 4370. An act to provide for the protection of the Bodie Bowl area of the State of California, and for other purposes; to the Committee on Energy and Natural Resources;

H.R. 4382. An act to modify the boundaries of the New River Gorge National River, Gauley River National Recreation Area, and the Bluestone National Scenic River in West Virginia; to the Committee on Energy and Natural Resources;

H.R. 5291. An act to provide for the temporary use of certain lands in the city of South Gate, California, for elementary school purposes; to the Committee on Energy and Natural Resources;

H.R. 5503. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1993, and for other purposes; to the Committee on Appropriations;

H.R. 5636. An act to amend the Internal Revenue Code of 1986 to ensure that charitable beneficiaries of charitable remainder trusts are aware of their interests in such trusts; to the Committee on Finance;

H.R. 5637. An act to amend the Internal Revenue Code of 1986 to clarify the treatment of certain buildings under the rehabilitation credit, and for other purposes; to the Committee on Finance;

H.R. 5638. An act to amend the Internal Revenue Code of 1986 to permit losses on sales of certain prior principal residences to offset gain on a subsequent sale of a principal residence; to the Committee on Finance;

H.R. 5639. An act to permit tax-exempt bonds to be issued to finance office buildings for the United Nations; to the Committee on Finance;

H.R. 5640. An act to amend the Internal Revenue Code of 1986 to modify the involuntary conversion rules for certain disaster-related conversions; to the Committee on Finance; and

H.R. 5651. An act to provide for the payment of retirement and survivor annuities to certain ex-spouses of employees of the Central Intelligence Agency and to provide for the tax treatment of certain disability benefits; to the Committee on Finance.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-3699. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation; to the Committee on the Budget.

EC-3700. A communication from the President of the United States, transmitting a draft of proposed legislation to designate certain lands in the State of Wyoming as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

EC-3701. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report of building project survey for Atlanta, GA; to the Committee on Environment and Public Works.

EC-3702. A communication from Chief Judge of the United States Court of Veterans Appeals, transmitting, pursuant to law, the actuarial report for the year ending December 31, 1991, for the United States Court of Appeals; to the Committee on Governmental Affairs.

EC-3703. A communication from the Chairman of the Council of the District of Columbia, transmitting, copies of D.C. Act 9-263 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3704. A communication from the Chairman of the Council of the District of Columbia, transmitting, copies of D.C. Act 9-264 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3705. A communication from the Chairman of the Council of the District of Columbia, transmitting, copies of D.C. Act 9-265 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3706. A communication from the Chairman of the Council of the District of Columbia, transmitting, copies of D.C. Act 9-266 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3707. A communication from the Chairman of the Council of the District of Columbia, transmitting, copies of D.C. Act 9-267 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3708. A communication from the Chairman of the Council of the District of Columbia, transmitting, copies of D.C. Act 9-268 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3709. A communication from the Chairman of the Council of the District of Columbia, transmitting, copies of D.C. Act 9-269 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3710. A communication from the Chairman of the Council of the District of Columbia, transmitting, copies of D.C. Act 9-270 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3711. A communication from the Chairman of the Council of the District of Columbia, transmitting, copies of D.C. Act 9-271 adopted by the Council on July 7, 1992; to the Committee on Governmental Affairs.

EC-3712. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "Notice of Final Priority for Fiscal Years 1992 and 1993—Dwight D. Eisenhower National Program for Mathematics and Science Education—State Curriculum Frameworks for Mathematics and Science"; to the Committee on Labor and Human Resources.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-454. A joint resolution adopted by the Legislature of the State of Alaska favoring increased funding for the Women, Infants, and Children Program so that it is available to all eligible persons; to the Committee on Appropriations.

"JOINT RESOLUTION

"Whereas the Federal Women, Infants, and Children Program (WIC) provides medical care and nutritious supplemental food to women and children, including prenatal care to pregnant women; and

"Whereas WIC's supplemental food and medical care give children the healthy start they need to learn well in school and achieve their full potential as human beings; and

"Whereas WIC's early prenatal care for pregnant women significantly improves pregnancy outcomes, decreasing the number of fetal deaths that might otherwise occur and averting low-birth-weight babies who would otherwise get off to a slow start in life; and

"Whereas WIC is highly cost effective in the long run because healthy, educated children can become the productive citizens our country needs to remain competitive in an increasingly international economy; and

"Whereas WIC is also highly cost effective in the short run because low-birth-weight babies and malnourished children would require more expensive health care under other public assistance programs; and

"Whereas WIC currently serves only 9,174 of the estimated 25,821 potentially eligible women, infants, and children in Alaska; and

"Whereas Alaska has one of the highest infant mortality rates in the country; and

"Whereas food costs in Alaska are high, especially in rural areas, so that WIC dollars based on current allocations from insufficient funds can serve fewer participants compared to other states; and

"Whereas the Congress, through the work of the Budget and Appropriations Committees, has been regularly increasing WIC funding levels, but this year's funding level will still serve only 54 percent of those who are eligible nationwide, leaving 4,000,000 women, infants, and children without the benefits of the program; and

"Whereas the Bush Administration has recommended further increases in WIC funding for fiscal year 1992 but the program would still be grossly underfunded; and

"Whereas full funding of WIC is an important cornerstone in building toward the national goal of ensuring that, by the year 2000, all children should start school ready to learn; be it

"*Resolved* that the Alaska State Legislature commends the Administration and the Congress for their prior actions that have increased funding for WIC; and be it

"*Further resolved* that the legislature strongly urges the Administration and the Congress to continue to invest in our future by increasing WIC funding so that all eligible women, infants, and children will be served no later than fiscal year 1995.

"Copies of this resolution shall be sent to the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate and Chair of the U.S. Senate Committee on Appropriations; the Honorable George Mitchell, Majority Leader of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable Patrick J. Leahy, Chair of the U.S. Senate Committee on Agriculture, Nutrition, and Forestry; the Honorable Edward M. Kennedy, Chair of the U.S. Senate Committee on Labor and Human Resources; the Honorable E (Kika) de la Garza, Chair of the U.S. House Committee on Agriculture; the Honorable Jamie L. Whitten, Chair of the U.S. House Committee on Appropriations; the Honorable William D. Ford, Chair of the U.S. House Committee on Education and Labor; the Honorable George Miller, Chair of the U.S. House Committee on Children, Youth, and Families; the Honorable Tony P. Hall, Chair of the U.S. House Committee on Hunger; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

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POM-455. A committee substitute adopted by the Legislature of the State of Alaska for House Joint Resolution No. 62 supporting Guam in its quest for commonwealth status; to the Committee on Energy and Natural Resources.

"HOUSE JOINT RESOLUTION

"Whereas the United States is recognized as the world leader in stimulating the pursuit of global democracy; and

"Whereas the United States supports the extension of self-determination to all peoples, especially to those in territories under its jurisdiction; and

"Whereas the Alaska State Legislature supports the search by each territory governed by the United States for the political standing best suited to its people; and

"Whereas the citizens of the Territory of Alaska fought long and hard for their own self-determination within the United States and eventually achieved it in 1959 with statehood; and

"Whereas Alaskans recognize and identify with the desire of the people of Guam to determine their own political, social, and economic future; and

"Whereas the Territory of Guam is attempting to establish a just political relationship between the people of Guam and the United States and is trying to allow its people to participate in this attempt; and

"Whereas the Guam Territorial Legislature has obtained introduction of the Commonwealth Act of Guam in the United States Congress that would accord the Territory commonwealth status; and

"Whereas there is growing support for providing commonwealth status for Guam, as evidenced by the policy statements and resolutions of various national groups, including members of Congress and the current administration, the National Governors Association, the National Conference of State Legislatures, the Western Legislative Conference, and the United States Conference of Mayors; and

"Whereas the people of Guam are citizens of the United States and should be given all the rights afforded citizens in the United States Constitution;

"Be it resolved that the Alaska State Legislature supports the people of Guam's efforts to achieve commonwealth status and a just and permanent relationship with the United States; and

"Further resolved that the Alaska State Legislature urges the United States government to allow the people of Guam to determine their own political, social and economic future while retaining the protection of the U.S. Constitution.

"Copies of this resolution shall be sent to the Honorable George Bush, President of the United States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable George J. Mitchell, Majority Leader of the U.S. Senate; the Honorable J. Bennett Johnston, Chair of the Senate Committee on Energy and Natural Resources; the Honorable George Miller, Chair of the House Committee on Interior and Insular Affairs; the Honorable James A. Baker, III, Secretary of State; the Honorable Manuel Lujan, Jr., Secretary of the Interior; the Honorable Joe T. San Augustin, Speaker of the Twenty-First Guam Unicameral Legislature; the Honorable Joseph F. Ada, Governor of Guam and Chair of the Guam Commission of Self-Determination; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

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POM-456. A joint resolution adopted by the Legislature of the State of Maine favoring legal availability of RU-486 for appropriate research and, if indicated, clinical practice; to the Committee on Labor and Human Resources.

"JOINT RESOLUTION

"Whereas, the antiprogesterone steroid, mifepristone, known as RU-486, has been approved and available in France since November 1988; and

"Whereas, RU-486 may be used to promote normal delivery in childbirth, reducing the need to perform Caesarean sections; and

"Whereas, the medical community has identified RU-486 as an important treatment for illnesses, including breast and brain cancer, gynecological malignancies, osteoporosis, Cushing's disease and other serious conditions; and

"Whereas, the American Medical Association, the American Public Health Association, the American College of Obstetricians and Gynecologists and the American Association for the Advancement of Science have formally recognized the importance of RU-486 and support the testing of RU-486 in the United States; and

"Whereas, RU-486 has been developed and tested in Europe and has been shown to be an efficacious and safe means of terminating early pregnancy when administered orally early in pregnancy by an appropriately trained physician; and

"Whereas, the use of such a medication for terminating early pregnancy constitutes a potentially significant medical and public health gain in terms of cost, efficacy, safety, ease of use and privacy of the physician-patient relationship; and

"Whereas, it is in keeping with basic medical standards to avoid surgical procedures whenever an equally effective noninvasive alternative is available; and

"Whereas, medical research that involves this technology has been stalled because of political biases that overshadow the drug's benefits in treating diseases that are killing American women and men; and

"Whereas, the Food and Drug Administration's import alert against RU-486 has thwarted the availability of RU-486 in the few scientific research studies conducted in the United States; and

"Whereas, all American citizens are entitled to the best medical research and this drug may be the solution to many serious conditions affecting the nation's health; and

"Whereas, the introduction of RU-486 into the United States should now be encouraged for its significant medical value; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully recommend and urge the President and Congress of the United States to support the legal availability of RU-486 for appropriate research and, if indicated, clinical practice; and be it further

"Resolved: That suitable copies of this joint resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H.W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; each Member of the Maine Congressional Delegation; the manufacturers of RU-486, Roussel UCLAF, 35 Boulevard des Invalides 75007, Paris, France; and the Food and Drug Administration."

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POM-457. A committee substitute adopted by the Legislature of the State of Alaska for committee substitute for house Joint Resolution No. 41 relating to missing American service personnel; to the Select Committee on POW/MIA.

"HOUSE JOINT RESOLUTION

"Whereas there are more than 88,000 American service personnel missing in action from World War II, the Korean War, and the Vietnam conflict; and

"Whereas recent information has been released regarding American service personnel held against their will after World War II, the Korean War, and the Vietnam conflict; and

"Whereas on April 12, 1973, the United States Department of Defense publicly stated that there was no evidence of live American prisoners of war in Southeast Asia; and

"Whereas the public statement was given nine days after Pathet Lao leaders had declared that Laotian communist forces did in fact have live American prisoners of war in their control; and

"Whereas the prisoners of war held by the Laotian government and its military forces were never released; and

"Whereas there have been more than 11,700 live sighting reports received by the Department of Defense since 1973 and, after detailed analysis, the Department of Defense admits there are a number of unresolved and discrepancy cases; and

"Whereas there is conjecture that congressional inquiries into the POW/MIA issue have been hampered by information that was concealed from committee members or that was misinterpreted or manipulated in government files; and

"Whereas the POW/MIA Truth Bill has been introduced into the United States Congress, and the bill would direct the heads of the Federal government agencies and departments to disclose information concerning the United States service personnel classified as prisoners of war or missing in action

from World War II, the Korean War, and the Vietnam conflict; and

"Whereas the bill protects national security by censoring the sources and methods used to collect the live sighting reports; and

"Whereas the families of these missing service personnel need and deserve the opportunity to have access to the information concerning the status of their loved ones; and

"Whereas the Senate Select Committee on POW/MIA Affairs has been established in the United States Congress to resolve the POW/MIA issue;

"Be it resolved that the Alaska State Legislature urges the United States Congress to oppose lifting trade embargoes, lifting economic sanctions, and normalizing affairs with Vietnam and Laos until the Congress resolves the POW/MIA issue in Southeast Asia based on the recommendations of the Senate Select Committee on POW/MIA Affairs; and be it

"Further resolved that the Alaska State Legislature urges the United States Congress to begin committee hearings immediately to consider enacting the POW/MIA Truth Bill; and be it

"Further resolved that the Alaska State Legislature requests the United States Congress to continue funding its investigation into the status of missing American service personnel, which is vital to resolving the POW/MIA issue.

"Copies of this resolution shall be sent to the Honorable George Bush, President of the United States, the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Robert C. Byrd, President Pro Tempore of the U.S. Senate; the Honorable George J. Mitchell, Majority Leader of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the House of Representatives; the Honorable Richard A. Gephardt, Majority Leader of the U.S. House of Representatives; the Honorable Robert Dole, Minority Leader of the U.S. Senate; the Honorable William S. Broomfield, Minority Leader of the House of Representatives; the Honorable Claiborne Pell, Chair of the Senate Committee on Foreign Relations; the Honorable Dante B. Fascell, Chair of the House Committee on Foreign Affairs; the Honorable John F. Kerry, Chair of the Senate Select Committee on POW/MIA Affairs; the Honorable Robert C. Smith, Vice-Chair of the Select Committee on POW/MIA Affairs; the Honorable John Miller, U.S. Representative; the Honorable James A. Baker, III, Secretary of the U.S. Department of State; the Honorable Dick Cheney, Secretary of the U.S. Department of Defense; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to the Honorable Jerry W. Hefner, Chair of the Oklahoma House Veterans Affairs Committee."

## 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. METZENBAUM (for himself, Mr. ADAMS, Mr. AKAKA, Mr. WELLSTONE, Mr. WIRTH, Mr. CRANSTON, Mr. KENNEDY, Mr. HARKIN, and Mr. KERRY):

S. 3084. A bill to prohibit discrimination by the Armed Forces on the basis of sexual orientation; to the Committee on Armed Services.

By Mr. ROTH:

S. 3085. A bill to amend the Internal Revenue Code of 1986 to provide that amounts in individual retirement plans not be counted in determining eligibility for aid to families with dependent children, to allow withdrawals from such plans to pay for higher education expenses, and for other purposes; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3086. A bill to encourage the development of mentoring programs that link children in high crime areas with law enforcement officers and other responsible adults; to the Committee on the Judiciary.

By Mr. PRYOR (for himself, Mr. COHEN, Mr. REID, Mr. RIEGLE, Mr. GRASSLEY, Mr. GLENN, and Mr. SHELBY):

S. 3087. A bill to amend the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to Social Security, Supplemental Security Income, Medicare, Medicaid, or the Department of Health and Human Services; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. SIMON, Mr. ADAMS, Mr. INOUYE, Mr. BRADLEY, Mr. AKAKA, Mr. GLENN, Mr. PELL, Mr. WELLSTONE, Mr. KERRY, Mr. METZENBAUM, and Mr. KOHL):

S. 3088. A bill to amend the Public Health Service Act to establish a program to provide grants to improve the quality and availability of comprehensive education, health and social services for at-risk youth and their families, and for other purposes; to the Committee on Labor and Human Resources.

By Mrs. KASSEBAUM:

S. 3089. A bill to provide relief for public agencies from liability under the Fair Labor Standards Act of 1938 for failure to pay exempt employees on a salary basis, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY:

S. 3090. A bill to expand the membership of the Commission on Immigration Reform, and for other purposes; considered and passed.

By Mr. GORTON (for himself, Mr. CRAIG, Mr. NUNN, Mr. BROWN, Mr. MCCAIN, Mr. DECONCINI, Mr. NICKLES, Mr. REID, Mr. MCCONNELL, Mr. WARNER, Mr. BOND, Mr. GRASSLEY, and Mr. SHELBY):

S. 3091. A bill to amend the Public Health Service Act to establish a program to fund maternity home expenses and improve programs for the collection and disclosure of adoption information, and for other purposes; to the Committee on Labor and Human Resources.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROTH:

S. 3085. A bill to amend the Internal Revenue Code of 1986 to provide that amounts in individual retirement plans not be counted in determining eligibility for aid to families with dependent children, to allow withdrawals from such plans to pay for higher education expenses, and for other purposes; to the Committee on Finance.

INDIVIDUAL RETIREMENT PLANS ACT

Mr. ROTH. Mr. President, I am introducing a bill today to offer a different approach to solving the welfare trap that people like Sandra Rosado have found themselves in. People may remember the stories in the papers from last May about Sandra. She is the oldest daughter of Cecilia Mercado, a mother of eight children, ages 5 to 20, all of whom live with her in subsidized housing and receive Aid to Families With Dependent Children [AFDC].

Sandra dreamed of going to college to become a teacher, and by working after school at a local community center she was beginning to make the dream come true. She managed to save $4,964.11 that she would use toward her college expenses. But, a stiff penalty from the Connecticut commissioner of income maintenance not only caused her to lose her savings, but also cost her mother over $9,000 in benefits because the family had violated the federal AFDC eligibility rules that limit their assets to $1,000.

The testimony before the Finance Committee, Secretary Kemp has indicated the administration's support for an increase in the $1,000 savings limit to a much higher amount of $10,000. Cases like the Rosado case certainly cause us to realize how the current system acts to limit economic growth and individual ambition. But frankly, many Americans might have problems with allowing people who are receiving public assistance payments to save up to $10,000, when the taxpayers are unable to save that much, if anything, on their own. In fact, some taxpayers may feel that a family with $10,000 in the bank on AFDC is rich, indeed.

But no one will argue with the desire to get people out of the welfare trap. I wholeheartedly agree with the need to increase incentives so that people will pull themselves out of the trap, with some well placed help, if necessary. That is why I am introducing this new bill today. I believe it better addresses the concerns that we all have, without allowing the taxpayer to lose confidence in the system.

This new bill will allow people like Sandra Rosado to save for their college education, but, by the same token, it will not allow savings for other frivolous things that a family might choose to spend their money on. The savings would have to be placed in an IRA account, and withdrawals could be made penalty free for college expenses. Thus the effect is the same, but the government still is able to control how the savings is spent if a family save more than $1,000. I believe there are other possibilities that should be explored, but I also think that the IRA is the only universal savings vehicle with the necessary limits to address the problems for both AFDC recipients and the taxpayer.

I also think it would be worthwhile to consider legislation to allow the states to elect to create a savings fund for these monies with limited withdrawals on a case by case basis, as de-

termined by the state. I also think we should consider stronger penalties than the 10-percent penalty on early withdrawals, if the money is withdrawn early for purposes other than education. I hope that the Finance Committee will address these issues and more when it moves to markup H.R. 11 this week, and later as we move on to conference on the bill. I am encouraged that the chairman will keep these views in mind as we proceed, and I look forward to working with him on these ideas. I ask unanimous consent that a copy of a New York Times article regarding this issue be included in the RECORD, together with a copy of the bill.

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

WELFARE'S LIMIT ON SAVINGS FOILS ONE BID TO BREAK CYCLE

(By Constance L. Hays)

NEW HAVEN, May 13.—Working part time at a community center, Sandra Rosado saved $4,900 to go to college and to escape the web of welfare that is all her family has known since they moved here 12 years ago.

But her thrift and industry have led to a bureaucratic nightmare for Miss Rosado and her family. First state officials, who discovered her savings account, told her mother to spend the money so the family could remain eligible for the Aid to Families with Dependent Children program. Then Federal authorities ordered the mother, Cecilia Mercado, to repay $9,342 in benefits she received while her daughter's money was in the bank.

The case, which has been in and out of state courts as Mrs. Mercado challenged the order, highlights what critics across the political spectrum say is a major flaw in American social policy toward the poor—a rule that limits a welfare family's assets.

Under Federal law, people who receive assistance under the Aid to Families with Dependent Children program become ineligible if their assets exceed $1,000. Such assets include property, like cars, and children's bank accounts.

"The rationale is that the public shouldn't be supporting families that have their own resources," said Michael Sherraden, an associate professor of social work at Washington University in St. Louis, whose 1991 book, "Assets and the Poor," has been cited by Housing Secretary Jack Kemp and others seeking new ways to alleviate poverty. "But it's a very short-sighted policy. Savings are the way that families get out of poverty. So this policy doesn't make much sense."

In budget recommendations announced since the Los Angeles riots, President Bush has proposed raising the asset limits to $10,000 for families already receiving family aid. The current limit was established in 1981. The President also proposed setting up escrow accounts, which families would receive once they got off family assistance. Such a plan represents "the beginnings of a new and different approach to help families achieve self sufficiency," the budget states.

Other critics of the welfare system say asset limits are minor compared with the amount of cheating that the system encourages. "The bottom line has a lot more to do with the fundamental nature of the system, which pays people a maximum benefit for having zero income, and every step they take away from zero reduces their benefits," said Robert Rector, a welfare-policy analyst for the Heritage Foundation in Washington.

Perfume Instead of College

Most welfare programs set asset limits. But those limits often do not recognize fiscal realities, and, as in the case of Miss Rosado and her brother, Angel, who had saved another $900, discourage people from breaking away from their dependency on public assistance.

"Here you have a situation where other children would have been commended for what these kids did," said Joanne G. Gibau, the New Haven Legal Assistance lawyer who represented Miss Rosado's mother in court. "They went to school full-time. They worked part time. And they saved their money. The sad part of this is, Sandra wasn't able to use this money for the purpose she had intended."

Instead of spending her savings on college, Miss Rosado bought clothes, jewelry, shoes and perfume, her mother said. "The state told us to spend it," she said. Then, when the order for repayment arrived, "I was very shocked," she said. "I wasn't intentionally cheating, because I didn't know about those bank accounts." Mrs. Mercado has eight children, all of whom live with her in subsidized housing. Sandra, at 20, is the oldest; the youngest is 5.

Miss Rosado was upset by what happened. "I worked a lot of hours for that money," she said. Her job was at a neighborhood community center here, supervising after-school basketball games and running a small candy store. "I have friends who used to get money and spend it on other things. It was tempting. But I knew I had a dream I wanted to fulfill."

Mrs. Mercado won the case she brought against the state's Commissioner of Income Maintenance at the trial court level, and the state appealed. This week the State Supreme Court, Connecticut's highest court, ruled against Mrs. Mercado, meaning she must somehow come up with the money the Government says she owes.

Ms. Gibau is seeking a waiver from the Federal Government on the repayment, but others say that may be difficult. "It is much more problematic to apply retroactively for some kind of waiver," said the state Attorney General, Richard Blumenthal, whose office argued the case for the state. He added: "Whatever the injustice or lack of merit that may be perceived in the law, it is a task for Congress, not the courts, to correct it."

Will Marshall, president of the Progressive Policy Institute, a Washington research organization, said: "We've got to get rid of these perverse policies that penalize poor people when they exercise personal initiative and responsibility. One of the themes that's emerging is that we have to look at the poor as just like everybody else. It's ironic that we're willing to lavish incentives like tax deductions for home buying on middle-class people, on the assumption that they'll take advantage of them. It's ture, but it's also true for the poor."

Miss Rosado did enroll in South Central Community College here last fall after getting a scholarship and a grant, Ms. Gibau said, awarded for good grades. She is the first person in her family to go to college.

In an interview this week, as children shrieked and basketballs bounced around her, Miss Rosado said she hoped to become a teacher.

And she added that she thought the law was unfair. "They should let students that are graduating save up money, if they have dreams to go to college," she said.

S. 3085

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

**SECTION 1. DISREGARD OF IRAS FOR AFDC ELIGIBILITY**

(a) DISREGARD AS RESOURCE.—Subparagraph (B) of section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)) is amended—

(1) by striking "or" before "(iv)", and

(2) by inserting ", or (v) any amount in an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) of an individual of such family" before "; and".

(b) DISREGARD AS INCOME.—Subparagraph (A) of section 402(a)(8) of the Social Security Act (42 U.S.C. 602(a)(8)) is amended—

(1) by striking "and" at the end of clause (vii), and

(2) by inserting after clause (viii) the following new clause:

"(ix) shall disregard any distributions from any individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) made to a family receiving aid to families with dependent children; and".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1992.

**SEC. 2. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PAY HIGHER EDUCATION.**

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end thereof the following new subparagraph:

"(D) DISTRIBUTIONS FROM CERTAIN PLANS FOR EDUCATIONAL EXPENSES.—Distributions to an individual from an individual retirement plan, or from amounts attributable to employer contributions made pursuant to elective deferrals described in subparagraph (A) or (C) of section 402(g)(3) or section 501(c)(18)(D)(iii), to the extent such distributions do not exceed the qualified higher education expenses (as defined in paragraph (6)) of the taxpayer for the taxable year."

(b) DEFINITIONS.—Section 72(t) of such Code is amended by adding at the end thereof the following new paragraph:

"(6) QUALIFIED HIGHER EDUCATION EXPENSES.—For purposes of paragraph (2)(D)(ii)—

"(A) IN GENERAL.—The term 'qualified higher education expenses' means tuition, fees, books, supplies, and equipment required for the enrollment or attendance of—

"(i) the taxpayer,

"(ii) the taxpayer's spouse, or

"(iii) the taxpayer's child (as defined in section 151(c)(3)) or grandchild,

at an eligible educational institution (as defined in section 135(c)(3)).

"(B) COORDINATION WITH SAVINGS BOND PROVISIONS.—The amount of qualified higher education expenses for any taxable year shall be reduced by any amount excludable from gross income under section 135."

(c) CONFORMING AMENDMENTS.—

(1) Section 401(k)(2)(B)(i) of such Code is amended by striking "or" at the end of subclause (III), by striking "and" at the end of subclause (IV) and inserting "or", and by inserting after subclause (IV) the following new subclause:

"(V) the date on which distributions for qualified higher education expenses (as defined in section 72(t)(6)) are made, and".

(2) Section 403(b)(11) of such Code is amended by striking "or" at the end of subparagraph (A), by striking the period at the end

of subparagraph (B) and inserting ", or", and by inserting after subparagraph (B) the following new subparagraph:

"(C) for the payment of qualified higher education expenses (as defined in section 72(t)(6)).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after the date of the enactment of this Act.

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By Mr. LAUTENBERG:

S. 3086. A bill to encourage the development of mentoring programs that link children in high-crime areas with law enforcement officers and other responsible adults; to the Committee on the Judiciary.

JUVENILE MENTORING PROGRAM [JUMP] ACT

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Juvenile Mentoring Program Act, or JUMP, to encourage the development of mentoring programs that link children in high-crime areas with law enforcement officers and other responsible adults.

Under the proposal, the Administrator of the Office of Juvenile Justice and Delinquency Prevention would consider applications from local educational agencies and nonprofit groups. Applicants would compete for grants based on the quality of their proposed mentoring plans and their ability to implement them. Recipients could use funds to hire mentoring coordinators and support staff, to recruit, screen, and train adult mentors, and to reimburse mentors for reasonable incidental expenditures directly associated with mentoring. The program would be authorized at $50 million per year.

Mr. President, too many young people today are growing up in environments bereft of hope. They live surrounded by violence and drug dealers. They attend second-rate schools that don't prepare them to function in our economy. And they have few responsible adults to take care of them, to lead them in the right direction.

Clearly, Mr. President, there is no magic answer to the problems of these youth. We need systemic improvements in our schools, more jobs, and better job training. But, Mr. President, we also have to work on a smaller scale—one by one, child by child. That's where mentoring can make an enormous difference.

Mr. President, I'm personally involved in a program known as I Have a Dream. The program puts responsible adults together with economically disadvantaged children, to give them the guidance and assistance they need, but so often lack. In addition, the program promises children that, if they do well, their college education will be paid for. Similarly, under this legislation, preference will be given to applicants who would provide participating youth with opportunities for job training or post-secondary education.

I also have personally been involved with the Drug Abuse Resistance Education Program, or DARE, which brings police officers into schools to talk with children about drug abuse. The program has helped children see the police in a new and more positive light, while bringing the police themselves in closer touch with the community's young people.

Unfortunately, Mr. President, too many children see the police as the enemy, and the resulting tensions can have horrible consequences, as we have seen recently. By involving mentors from the law enforcement community, JUMP would begin to bridge the gap between many children in high-crime areas and the police. The resulting improvement in police-community relations would be an important benefit of the program.

Mr. President, the experience of many existing programs clearly demonstrates the promise of mentoring. When children and adults establish solid, caring relationships, young people often are set on a different and better path. Yet, for all the good work that's already being done, too few children benefit from mentoring. We can and ought to do more. That's what JUMP is all about.

The program will provide children with trained mentors who know and care about them as individuals, who accept them, and who are there to help them when needed, mentors who can point them away from crime, away from drugs, and toward a future worth working for.

Mr. President, I want to express my appreciation to the many children advocates and others who have helped in the development of this legislation. In particular, I would like to thank the Children's Defense Fund, Big Brothers/Big Sisters of America, the National Collaboration for Youth, and the One-to-One Partnership for their advice and their endorsement of the bill. The Boys and Girls Clubs of America and the Amelior Foundation also provided valuable comments.

Mr. President, I urge my colleagues to support the bill, and ask unanimous consent that a copy of the legislation, along with other related materials, be inserted in the RECORD.

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

[From the Newark Star-Ledger, July 17, 1992]

JUMP TO SUCCESS

One means of dealing with the growing problem of juvenile delinquency is by providing alternatives to the temptation of crimes such as drug abuse and car theft. That is the premise behind the Juvenile Mentoring Program (JUMP) Act proposed by Sen. Frank Lautenberg (D-NJ).

In an effort to help local communities create and expand juvenile mentoring programs, Mr. Lautenberg proposes a $50 million plan to provide adult role models for children in high-crime areas. It would foster development of projects intended to link school-age children on a regular and sustained basis with adult mentors from their local police departments and other agencies.

The forward-looking program would be run by local educators and non-profit groups and would "match responsible, caring adults from the community with local youngsters at risk," the senator said. Grant awards would be based, in part, on the extent to which parents, teachers, students, local police departments and the community participate in developing and implementing the programs.

The approach fostered by JUMP takes into account the stagnant economy and the realities of urban environments lacking in recreational and employment opportunities. It seeks to take advantage of the most available and often overlooked resource of the community, its people.

Too many youngsters are confronted with an environment of violence and hopelessness in a crippling recession. While there are no quick fixes to the problems of the inner city, caring members of the community can have a profound impact on these youngsters.

While efforts are being made to improve the cities, the ability of their people to influence youngsters cannot be overlooked, and programs that seek to provide one-on-one role models might well be fostered and expanded.

There should be no relaxing of pressure on the federal government to provide the money needed to salvage the cities, but mentoring programs can go far to redirect youngsters consigned to despair and hopelessness.

The realization that someone is ready to teach, guide and share can make a notable difference in a young person's life and light the way toward more constructive, positive and successful endeavors.

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S. 3086

*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 "Juvenile Mentoring Program Act of 1992" or the "JUMP Act".

**SEC. 2. FINDINGS AND PURPOSES.**

The Congress finds that—

(1) millions of children in America live in areas where property and violent crime is pervasive;

(2) such crime too frequently robs these children of their youth, their future, and their lives;

(3) in many communities, children fear and mistrust local law enforcement officers;

(4) while Federal funding is available to assist local law enforcement agencies in the prevention and management of crime and juvenile delinquency, little is available specifically for fostering relationships between individual youth at risk and adult mentors from the law enforcement and local community; and

(5) privately funded mentoring programs demonstrate promise that sustained mentoring relationships can help children become successful and productive members of society.

**SEC. 3. JUVENILE MENTORING.**

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended by adding at the end the following new title:

"TITLE V—JUVENILE MENTORING PROGRAM (JUMP) ACT OF 1992

**"SEC. 501. SHORT TITLE.**

"This title may be cited as the 'Juvenile Mentoring Program Act of 1992' or the 'JUMP Act'.

**"SEC. 502. AUTHORITY TO MAKE GRANTS.**

"(a) IN GENERAL.—The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall make grants to local educational agencies and nonprofit organizations to implement mentoring programs under this title.

"(b) ELIGIBLE MENTORING PROGRAM.—A mentoring program funded under this title shall be a program, or a new component or enhancement of an existing program, providing assistance to eligible children—

"(1) designed to link children in high crime areas with adult law enforcement officers and other responsible adults; and

"(2) intended to achieve one or more of the following goals:

"(A) Provide general guidance to eligible children.

"(B) Promote personal and social responsibility among such children.

"(C) Discourage their use of illegal drugs, violence and dangerous weapons, and other criminal activity.

"(D) Enhance eligible children's ability to function effectively in, and benefit from, elementary and secondary education.

"(E) Discourage involvement in gangs.

"(F) Encourage eligible children's participation in community service.

"(c) REGULATIONS.—

"(1) IN GENERAL.—The Administrator, after consultation with the Secretary of Health and Human Services and the Secretary of Education, shall promulgate regulations to implement this title.

"(2) SCREENING MENTORS.—The Administrator shall develop and distribute to program participants specific model guidelines for the screening of prospective program mentors.

**"SEC. 503. APPLICATIONS.**

"(a) IN GENERAL.—To be eligible to receive a grant under this title, a local educational agency or nonprofit organization shall submit an application containing the information specified in subsection (b) to the Administrator at such time, in such form, and accompanied by such additional information as the Administrator may reasonably require.

"(b) CONTENTS OF APPLICATION.—

"(1) CONTENT OF PLAN.—All applications for grants shall include a specific plan for implementing a mentoring program, including—

"(A) the method by which mentors and mentees will be recruited;

"(B) the method by which prospective mentors will be screened;

"(C) the training that will be provided to mentors; and

"(D) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or post-secondary education.

"(2) COMMUNITY INVOLVEMENT.—All applications shall describe the extent to which parents, teachers, community-based organizations, and the local community have participated in the design and implementation of the mentoring plan.

"(c) SELECTION CRITERIA.—The Administrator shall select grant recipients based on the following:

"(1) QUALITY OF PLAN.—The quality of the mentoring plan, including—

"(A) the resources, if any, that will be dedicated to providing participating youth with opportunities for job training or post-secondary education; and

"(B) the degree to which parents, teachers, community-based organizations, and the local community participate in the design and implementation of the mentoring plan.

"(2) EFFECTIVE IMPLEMENTATION.—The capability of the applicant to effectively implement the mentoring plan.

**"SEC. 504. USE OF FUNDS.**

"(a) ELIGIBLE USES.—Grants awarded pursuant to this title shall be used to implement mentoring programs, including—

"(1) hiring of mentoring coordinators and support staff;

"(2) recruitment, screening, and training of adult mentors;

"(3) reimbursement of mentors for reasonable incidental expenditures directly associated with mentoring; and

"(4) such other purposes as the Administrator may reasonably prescribe by regulation.

"(b) PROHIBITED USES.—Grants awarded pursuant to this title shall not be used—

"(1) to directly compensate mentors, except as provided pursuant to subsection (a)(3);

"(2) to obtain educational or other materials or equipment which would otherwise be used in the ordinary course of the grantee's operations; or

"(3) for any other purpose reasonably prohibited by the Administrator pursuant to regulation.

**"SEC. 505. REPORTS.**

"(a) IN GENERAL.—The Administrator shall require grantees to provide periodic reports that include information on the obligation and expenditure of grant funds, and the progress made by the grantee in implementing the mentoring plan described in section 503.

"(b) REPORTS.—Not later than 4 years after the date of enactment of this title, and periodically thereafter, the Administrator shall submit a report to Congress evaluating the program established under this title.

**"SEC. 506. MONITORING.**

"The Administrator shall audit and monitor the programs funded under this title to assure that assistance provided under this title is administered in accordance with its provisions.

**"SEC. 507. DEFINITIONS.**

"For purposes of this title—

"(1) the term 'Administrator' means the Administrator of the Office of Juvenile Justice and Delinquency Prevention.

"(2) the term 'eligible children' means individuals who live in high crime areas, as shall be reasonably defined by the Administrator pursuant to regulations, and who are less than 18 years of age and older than a minimum age established by the Administrator by regulation;

"(3) the term 'law enforcement officer' means any employee of a Federal, State, or local law enforcement agency who is engaged in law enforcement or crime prevention;

"(4) the term 'local educational agency' means any local agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381); and

"(5) the term 'nonprofit organization' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

**"SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $50,000,000 for each fiscal year to carry out the purposes of this title.".•

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By Mr. PRYOR (for himself, Mr. COHEN, Mr. REID, Mr. RIEGLE, Mr. GRASSLEY, Mr. GLENN, and Mr. SHELBY):

S. 3087. A bill to amend the Social Security Act to improve and clarify provisions prohibiting misuse of symbols, emblems, or names in reference to Social Security, Supplemental Security Income, Medicare, Medicaid, or the Department of Health and Human Services; to the Committee on Finance.

MISLEADING MAILINGS PREVENTION ACT

• Mr. PRYOR. Mr. President, today I am introducing legislation to strengthen prohibitions against fraudulent and misleading mailings targeted at older persons.

In 1988, Congress enacted a law to prevent the misuse of words, letters, symbols, and emblems of the Social Security Administration [SSA] and the Health Care Financing Administration [HCFA]. Unfortunately, despite this law, unscrupulous groups continue to prey on the elderly by use of deception and scare tactics. These groups grow rich by feeding off the fears and vulnerabilities of the elderly. The bill I am introducing today is designed to combat this wave of misleading mailings.

As my colleagues are aware, we have been receiving a growing number of complaints from senior citizens who have received letters designed to convey the impression that Social Security is bankrupt. One envelope states: "All the Social Security Money Is Gone." Seniors worry themselves sick over such charges. Yet nothing could be further from the truth, as the Social Security trust funds are developing record surpluses. Such an example, while it may or may not be found to be in violation of the law, shows the need for strengthening penalties against misleading mailings.

The purpose of the 1988 provision was to prohibit organizations from conveying the false impression that their products or mailings were endorsed, approved, or authorized by SSA or HCFA. My bill operates within that same framework, but strengthens penalties and the enforcement capabilities of the Department of Health and Human Services. First, my bill lifts the current $100,000 annual limit on the total amount of penalties that can be levied against individuals for violations of the law. To further strengthen the deterrent against mass mailings, the bill makes each piece of mail a violation, rather than counting a bulk mailing as one violation as if the policy under current regulations.

In addition, the bill adds the names, letters, symbols and emblems of the Department of Health and Human Services, Supplemental Security Income [SSI], and Medicaid as protected items. The bill adds a new standard to define deceptive mailings to prohibit any solicitation which reasonably could be interpreted as conveying the false impression that such an item is approved by HHS. To facilitate HHR's ability to battle these abuses, the Department of Justice would no longer have to issue a formal declination of action before HHS could pursue a civil monetary penalty. In order for us to

evaluate HHS's progress, the Secretary of HHS would be required to report to Congress annually about deceptive practices involving SSA and actions taken against violations of the law.

The Misleading Mailings Prevention Act of 1992 will close loopholes in the law and put a halt to some of the most despicable scams against the elderly. Greedy individuals employ a number of very creative methods of shaking down the elderly. They aim at emptying the pockets of those who can least afford it. They shamelessly pose as legitimate by using official sounding names and symbols. Ironically, in the name of protecting Social Security, these scam artists will take a portion of older person's Social Security checks, often from those on fixed incomes who may have to forgo food or medicine in order to make a small donation. We can and must put a stop to this.

I am pleased that the distinguished chairman of the Committee on Finance has agreed to include this bill as part of the urban aid package the committee is scheduled to markup on July 29. This demonstrates again his longstanding commitment to combating fraud against the elderly, and his concern about the effects such deception has on the pocketbook of seniors who may be living on fixed incomes.

I urge all of my colleagues to join us in this effort.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD and that the bill be printed following the summary.

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

SUMMARY OF THE MISLEADING MAILINGS PREVENTION ACT OF 1992

Problem: During the past decade, soliciting senior citizens by deceptive means has become big business. In their solicitations, various organizations have attempted to imply connections with Federal government agencies to lend credence to their scams. Existing provisions in the Social Security Act to prevent such fraud have proven inadequate to deter all deceptive mailings.

Present law: In 1988, Congress enacted a provision prohibiting the misuse of words, letters, symbols and emblems of the Social Security Administration (SSA) and the Health Care Financing Administration (HCFA). The purpose was to prevent organizations from conveying the false impression that their mailings or solicitations were approved or authorized by SSA or HCFA. The law permits the Department of Health and Human Services (HHS) to impose civil monetary penalties not to exceed $5,000 per violation or, in the case of a broadcast or telecast, $25,000 per violation. The total amount of penalties which may be imposed is limited to $100,000 per year.

Bill summary: The bill would eliminate the $100,000 annual cap on penalties in order to create an adequate deterrent for groups that take in millions of dollars per year by engaging in deceptive practices.

The bill would define a "violation" as each individual piece of mail in a mass mailing, overriding current regulations that define an entire mass mailing as only one violation. This further strengthens the deterrent against deceptive mailings.

The bill would add a new definition of a deceptive mailing. In addition to the current law standard which prevents an organization or a person from using names and symbols in a manner that such a person "knows or should know would convey a false impression" of a relationship with SSA, HCFA, or HHS, the bill would add a prohibition against the use of the names or symbols in a manner which "reasonably could be interpreted or construed as conveying" a relationship to those Federal agencies.

The bill would eliminate the existing requirement that the Department of Justice (DOJ) review and formally decline to handle cases on deceptive mailings under the Social Security Act. The current requirement needlessly delays action by HHS, and the DOJ has shown no interest in pursuing this area.

Finally, the bill would require HHS to report annually to Congress on enforcement actions taken on deceptive mailings.

Status: The Senate Finance Committee is expected to include the bill in the urban aid package it is scheduled to mark up on July 29, 1992. The House of Representatives recently approved similar legislation as part of its urban aid package.

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S. 3087

*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 "Misleading Mailings Prevention Act of 1992".

**SEC. 2. IMPROVEMENT AND CLARIFICATION OF PROVISIONS PROHIBITING MISUSE OF SYMBOLS, EMBLEMS, OR NAMES IN REFERENCE TO SOCIAL SECURITY, SUPPLEMENTAL SECURITY INCOME, MEDICARE, MEDICAID, OR THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.**

(a) ADDITION TO PROHIBITED WORDS, LETTERS, SYMBOLS, AND EMBLEMS.—Section 1140(a) of the Social Security Act (42 U.S.C. 1320b-10(a)) is amended—

(1) in paragraph (1), by striking "Administration', the letters 'SSA' or 'HCFA'," and inserting "Administration', 'Supplemental Security Income', 'Medicaid', 'Department of Health and Human Services', the letters 'SSA', 'HCFA', 'SSI', 'DHHS', or "HHS',"; and

(2) in paragraph (2); by striking "Social Security Administration" each place it appears and inserting "Social Security Administration, Health Care Financing Administration, or Department of Health and Human Services", and by striking "or if the Health Care Financing Administration".

(b) INCLUSION OF REASONABLENESS STANDARD.—Section 1140(a) of such Act, as amended by subsection (a) of this section, is further amended, in the matter following paragraph (2), by striking "convey" and inserting "convey, or in a manner which reasonably could be interpreted or construed as conveying,".

(c) VIOLATIONS WITH RESPECT TO INDIVIDUAL ITEMS.—Section 1140(b)(1) of such Act (42 U.S.C. 1320b-10(b)(1)) is amended by adding at the end the following new sentence: "In the case of any items referred to in subsection (a) consisting of pieces of mail, each such piece of mail which contains one or more words, letters, symbols, or emblems in violation of subsection (a) shall represent a separate violation.".

(d) ELIMINATION OF CAP ON AGGREGATE LIABILITY AMOUNT.—

(1) REPEAL.—Paragraph (2) of section 1140(b) of such Act (42 U.S.C. 1320b-(b)(2)) is repealed.

(2) CONFORMING AMENDMENTS.—Section 1140(b) of such Act is further amended—

(A) by striking "(1) Subject to paragraph (2), the" and inserting "The";

(B) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively; and

(C) in paragraph (1) (as redesignated), by striking "subparagraph (B)" and inserting "paragraph (2)".

(e) REMOVAL OF FORMAL DECLINATION REQUIREMENT.—Section 1140(c)(1) of such Act (42 U.S.C. 1320b-10(c)(1)) is amended by inserting "and the first sentence of subsection (c)" after "and (i)".

(f) ANNUAL REPORTS.—Section 1140 of such Act (42 U.S.C. 1320b-10) is amended by adding at the end the following new subsection:

"(d) The Secretary shall include in the annual report submitted pursuant to section 704 a report on the operation of this section during the year covered by such annual report. Such report shall specify—

"(1) the number of complaints of violations of this section received by the Social Security Administration during the year,

"(2) the number of cases in which a notice of violation of this section was sent by the Social Security Administration during the year requesting that an individual cease activities in violation of this section,

"(3) the number complaints of violations of this section referred by the Social Security Administration to the Inspector General in the Department of Health and Human Services during the year,

"(4) the number of investigations of violations of this section undertaken by the Inspector General during the year,

"(5) the number of cases in which a demand letter was sent during the year assessing a civil money penalty under this section,

"(6) the total amount of civil money penalties assessed under this section during the year,

"(7) the number of requests for hearings filed during the year pursuant to section 1140(c)(1) and 1128A(c)(2),

"(8) the disposition during such year of hearings filed pursuant to section 1140(c)(1) and 1128A(c)(2, and

"(9) the total amount of civil money penalties under this section deposited as miscellaneous receipts of the treasury of the United States during the year.".

(g) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to violations occurring after the date of the enactment of this Act.

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By Mr. KENNEDY (for himself, Mr. SIMON, Mr. ADAMS, Mr. INOUYE, Mr. BRADLEY, Mr. AKAKA, Mr. GLENN, Mr. PELL, Mr. WELLSTONE, Mr. KERRY, Mr. METZENBAUM, and Mr. KOHL):

S. 3088. A bill to amend the Public Health Service Act to establish a program to provide grants to improve the quality and availability of comprehensive education, health and social services for at-risk youth and their families, and for other purposes; to the Committee on Labor and Human Resources.

COMPREHENSIVE SERVICES FOR YOUTH ACT

Mr. KENNEDY. Mr. President, America's children and youth are symbols of both the successes and failures of our society. They are our future and our legacy, and yet we continue to fall far short of our obligation to meet their

needs. In these difficult times, the plight of the Nation's children represents the burden of more than a decade of decay and neglect. The Nation has become increasingly divided, and our youth are paying the price.

Today, more than 1 out of 5 American children live in poverty—and more than 200,000 have no place to call home. We are reducing our military forces, but we are doing nothing to stop the arms race here at home. More than 5 million students now carry weapons to school. Faced with a lack of role models and opportunity and an excess of crimes and victims, too many of our young people find survival training in the streets. We can do better, and we must do better.

Among the most important tasks facing our country is reforming the Nation's schools. It is not enough to improve the quality of education. Children cannot learn if they have other urgent unmet needs. Many youth are carrying heavy burdens to school each day that make learning diffcult or impossible.

Overworked teachers find themselves also serving as social workers, counselors, and caregivers while still trying to perform their jobs as educators. They are discouraged and exhausted, and their teaching suffers.

Public health and social service agencies are struggling to help children and families, but their efforts are fragmented and obstructed by jurisdictional boundaries and confusing criteria. Families most in need of services are often headed by single parents in low-wage jobs that don't allow time off to see a doctor in one neighborhood, a social worker in another, and a specialist in yet another. Endless paperwork, waiting lists, time constraints, and transportation barriers combine to prevent children from obtaining the kind of services that most of us take for granted, and that would give them an opportunity to learn in school and prosper.

Preventive health services, the essence of good health care, are practically nonexistent. Teenagers, often alienated and struggling for their independence, frequently will not use traditional service delivery systems, believing that no one understands their needs. To enable students to learn, we must find more effective ways to see that their basic needs are met. The obvious place to start is with the schools.

Today I am introducing the Comprehensive Services for Youth Act of 1992 to begin to bring schools, health and other professionals, and parents together in a coordinated effort to provide basic health care and other services to students in their schools.

This legislation will offer grants to local community partnerships in urban and rural areas to coordinate and deliver comprehensive health and social services to youth in school-based or school-linked centers. The partnerships will be targeted on communities with high risk environments and high rates of children in poverty. Parents, teachers, service providers, and community leaders will all be encouraged to work together and actively participate.

The bill will also offer grants to states and local consortia to support comprehensive health and social services for all youth on a citywide or statewide basis. These grants will support the efforts of states and localities to coordinate services and make more effective use of scarce State, local, and Federal funds.

Other provisions will give teachers and school administrators the training and technical assistance they need, so that pupils can take greater advantage of the social services available in the school and in the community.

Our schools are already heavily overburdened, and will not be easy for them to take on this additional one-stop-shopping role as well. But the modest cost involved in making at least a minimum level of health care and other basic services available in the schools is an investment in the future that can pay rich dividends for education too. This concept of one-stop-shopping in the schools may make all the difference in achieving all our other goals in elementary and secondary school reform.

In a hearing this morning, the Labor and Human Resources Committee heard from parents, policymakers, program providers, and youth themselves, from urban and rural communities across this country. Each of witnesses, from their own perspective, had recognized the merit of this new approach to education. Many were skeptical at first, but they are now convinced that it is the way of the future.

I urge my colleagues to support this legislation and I look forward to its consideration by the full Senate.

I ask unanimous consent that the testimony from the testimony from the hearing be included in the RECORD. Furthermore, I ask consent that the letters of support for the Comprehensive Services for Youth Act of 1992 and the complete text of the legislation be printed in the Record.

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

S. 3088

*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 "Comprehensive Services for Youth Act of 1992".

**TITLE I—SCHOOL-BASED OR SCHOOL-LINKED HEALTH AND SOCIAL SERVICES CENTER GRANTS**

**SEC. 101. GRANT PROGRAM.**

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may award grants to eligible local community partnerships to coordinate and deliver comprehensive education, health, and social services to children or youth in school-based, school-linked or community-based locations.

(b) ELIGIBLE ENTITIES.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), an entity shall—

(A) be a new or existing local community partnership which, at a minimum, shall include—

(i) a local health care provider with experience in delivering services to adolescents;

(ii) one or more local public schools; and

(iii) at least one community-based organization located in the community to be served that has a history of providing services to at-risk youth in that community.

(B) prepare and submit to the Secretary an application in accordance with subsection (e), that has been developed and agreed to by all members of the partnership;

(C) ensure the provision of core services in accordance with subsection (c); and

(D) meet any other requirements determined appropriate by the Secretary.

(2) PARTICIPATION.—A partnership described in paragraph (1)(A) shall, to the maximum extent feasible, involve broad based community participation from parents and youth to be served, health and social service providers, teachers and other public school and school board personnel, community-based organizations (particularly those serving minority youth), youth development and service organizations and interested business leaders. Such participation may be through an expanded partnership, or an advisory board to such a partnership.

(3) TARGETING.—A partnership described in paragraph (1)(A) shall be located in and created to serve a community in which youth are exposed to a high risk environment as documented by factors including high rates of children in poverty or who lack access to health care, school drop outs and those retained in grade, alcohol or other drug use, sexually transmitted diseases including HIV, teen pregnancy, suicide, community or gang violence, youth unemployment, and juvenile justice involvement.

(c) USE OF AMOUNTS.—

(1) CORE SERVICES.—

(A) IN GENERAL.—A local partnership awarded a grant under subsection (a) shall use amounts received under such grant to coordinate and deliver core services described in subparagraphs (B) and (C) at a school-based, school-linked, or community-based location or locations accessible to, and utilized by, at-risk children, youth, and their families.

(B) COMPREHENSIVE HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES.—With respect to the delivery of comprehensive health, mental health, and social services, a partnership shall ensure that—

(i) at a minimum, health screening and health care services, counseling and crisis intervention and referrals are provided in a single site; and

(ii) health, mental health and social services which cannot be provided directly on-site will be secured through contracted arrangements with community-based providers and a case management system that ensures that populations to be served receive needed services and appropriate follow-up services.

(C) YOUTH DEVELOPMENT AND LIFE PLANNING.—With respect to youth development and life planning services, a partnership shall—

(i) provide age appropriate programs and services that promote the development of

life skills and social competencies which assist youth in completing school or employment training, establishing life and career goals, and avoiding high risk behaviors; and

(ii) provide programs and services that are designed to prevent HIV and other sexually transmitted diseases, unintended pregnancies, alcohol and other drug use, suicide, community or gang violence, and other risk taking behaviors that reflect the needs of the populations identified by the community in the comprehensive plan of the partnership.

(2) COORDINATION OF CORE SERVICES.—A partnership awarded a grant under subsection (a) shall, in meeting the requirements of paragraph (1), use amounts received under such grant to coordinate the delivery of existing services of the types described in such paragraph to more effectively utilize available resources prior to adding new resources or developing new services.

(3) COORDINATION OF CORE SERVICES WITH ADDITIONAL SERVICES.—A partnership awarded a grant under subsection (a) may use amounts received under such grant to coordinate or co-locate core services with additional services identified in the comprehensive plan to enhance the support available through the partnership service delivery network.

(d) PRIORITY AND TERM OF GRANTS.—

(1) PRIORITY.—In awarding grants under this subsection the Secretary shall give priority to those applicants that, through their comprehensive services plan, demonstrate that—

(A) continuity of access to required core services for youth will be made available on a year round basis or beyond traditional school or service hours, either on site or through a backup referral system of community-based providers; and

(B) services to be offered by the partnership will extend beyond the in-school population and will include the provision of core services to out-of-school youth, to the extent practicable.

(2) TERM OF GRANTS.—Grants awarded under subsection (a) shall be for a term of not less than 3, or more than 5, years based on the ability of the grantee partnership to achieve the goals and objectives identified in the entity's application. The Secretary may provide 2 year extension awards to those grantee partnerships that, following the initial 3 year grant period, demonstrate substantial progress in the integration of comprehensive services, including broad based institutional support for collaboration from all members of the partnership, and improvement in the health and education outcomes of the populations served relative to baseline community indices.

(e) APPLICATION.—

(1) IN GENERAL.—An entity that desires to receive a grant under subsection (a) shall prepare and submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Such application shall include a comprehensive services plan that meets the requirements of paragraph (3) and the assurances required under paragraph (4). A copy of such application shall be provided to the State agencies primarily responsible for health and education for the particular State involved.

(2) FORMULATION.—In formulating a comprehensive services plan under this subsection, an entity shall document the efforts undertaken by the entity to obtain broad based community input from teachers and school personnel, health providers including organized medicine, social service providers including community-based organizations, and parents and at-risk youth to be served in order to—

(A) maximize participation in the needs assessment conducted by the entity;

(B) formulate a service plan that is comprehensive and reflective of the needs delineated by youth and families to be served;

(C) build institutional support for the services to be provided under the plan from the staff and administration of all members of the partnership and the larger community;

(D) encourage increased collaboration among a broader range of public and private providers to improve the quality, availability and variety of services offered within the partnership; and

(E) heighten awareness of the linkage between access to comprehensive health and social services and school performance.

(3) CONTENTS OF THE PLAN.—Each plan submitted under paragraph (1) shall include—

(A) a description of the children or youth populations to which services will be provided under the grant and an assessment of their health, social services, and education needs;

(B) an inventory of existing core services described in subsection (c) that are being provided to such populations within the community, including subpopulations of youth with special needs;

(C) an identification of the unmet needs of such populations, gaps in the system of core services available, barriers to the utilization of services, and barriers to the integration of services including conflicting regulatory requirements and eligibility standards;

(D) a description of the program goals and objectives and intended outcomes, which may include increased integration and utilization of services by the intended populations, and improved health and education indicators for service recipients relative to the baseline community assessments described in subparagraph (A);

(E) a plan for the manner in which data systems used by members of the partnership will be coordinated in order to guide local planning and evaluate the progress made toward achieving program goals and objectives described in subparagraph (D);

(F) a description of the means by which the entity will coordinate or co-locate services currently provided by members of the partnership in order to maximize the effectiveness of existing resources;

(G) a description of the services that will be directly provided to children or youth populations with funds provided under this Act as needed to address identified unmet core service needs;

(H) a description of how the services will be coordinated with the on-going educational activities of the school or schools participating in the partnership and the role the school nurse and other student support personnel will play in the expanded health care services;

(I) a description of the process by which program decisions will be made within the partnership;

(J) an identification of the partnership's fiscal agent and the manner in which program funds received under this section will be disbursed and monitored; and

(K) a description of the strategy for securing the long term financing necessary to ensure a continuity of services made available through the partnership after the termination of the grant period.

(4) ASSURANCES.—An application submitted under this section shall contain assurances that—

(A) core services will be provided in a coordinated manner at a single site providing ready access to the populations to be served, and if such single site is to be school-based, that an affirmative school board vote for the project will be provided;

(B) core services will be targeted to populations and subpopulations identified in the comprehensive plan and will be delivered in a culturally sensitive and linguistically appropriate manner;

(C) amounts provided to the applicant under this section will be used to coordinate existing services provided by the individual members of the partnership before such amounts are used to provide new services; and

(D) amounts provided to the applicant under this section and used to deliver services will be utilized in conformity with the unmet core service needs as identified in the comprehensive plan of the entity.

(f) GEOGRAPHIC DISTRIBUTION.—In awarding grants to qualified applicants under this title, the Secretary shall ensure—

(1) an equitable geographic distribution; and

(2) a distribution to both urban and rural communities in which youth are exposed to a high risk environment in accordance with section 101(b)(3).

(g) AMOUNT OF GRANT.—The annual amount of a grant awarded under this title shall not be less than $100,000 nor more than $300,000, except as provided in section 102.

(h) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraph (3), a grant for services awarded under this section may not exceed—

(A) 90 percent of the total cost of the activities to be funded under the program for the first 2 fiscal years for which the program receives assistance under this section; and

(B) 75 percent of the total cost of such activities for subsequent years for which the program receives assistance under this section.

The remainder of such costs shall be made available as provided in paragraph (2).

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required by paragraph (1) may be in cash or in-kind, fairly evaluated, including facilities, equipment, personnel, or services, but may not include amounts provided by the Federal Government. In-kind contributions may include space within a school facility, school personnel, program use of school transportation systems, outposted health and social services personnel, and extension of health provider medical liability insurance.

(3) WAIVER.—The Secretary may waive the requirements of paragraph (1) for any year in accordance with criteria established by regulation. Such criteria shall include a documented need for the services provided under this section and an inability of the grantee to meet the requirements of paragraph (1) despite a good faith effort.

(i) TRAINING AND TECHNICAL ASSISTANCE.—Entities that receive assistance under this section shall use 10 percent of the amount of such assistance to provide staff training and to secure necessary technical assistance. To the maximum extent feasible, technical assistance should be sought through local community-based entities. Staff training should include the training of teachers and other school personnel necessary to ensure appropriate referral and utilization of services and school reinforced linkages between classroom activities and services offered.

**SEC. 102. PLANNING GRANTS.**

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Re-

sources and Services Administration, may award 1 year nonrenewable planning grants to entities described in section 101(b)(1)(A) that agree to establish a local community partnership for the purpose of delivering comprehensive services as described in section 101.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), a local community partnership shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may reasonably require. A copy of such application shall be provided to the State agencies primarily responsible for health and education in the particular State involved.

(c) USE OF AMOUNTS.—Amounts provided under a grant awarded under subsection (a) shall be used to—

(1) assess the education, health, mental health, and social service needs of children or youth in the community proposed to be served by the local community partnership, and the current service delivery system, to identify unmet needs and barriers to services;

(2) develop a plan for the delivery and coordinating of comprehensive education, health and social services for youth populations to be served in a school-based, school-linked, or community-based location; and

(3) develop program goals and objectives and intended outcomes and the means by which progress will be measured.

(d) LIMITATIONS.—

(1) AMOUNT AVAILABLE FOR GRANTS.—Not more than 10 percent of the amounts appropriated under section 308(1) shall be used to award planning grants under subsection (a).

(2) AMOUNT AVAILABLE FOR INDIVIDUAL GRANTS.—The Secretary shall not award a grant of more than $50,000 under subsection (a).

## TITLE II—STATE AND LOCAL COORDINATED YOUTH SERVICES GRANTS

### SEC. 201. PURPOSE.

It is the purpose of this title to award grants to citywide or countywide consortia, or to a State entity, with a demonstrated commitment to the coordination and delivery of comprehensive education, health and social services to in-school and out-of-school youth on a citywide, countywide or statewide basis through a system of school-based, school-linked, and community-based comprehensive youth services centers.

### Subtitle A—Local Consortia Grants

### SEC. 211. COORDINATION AND SERVICE DELIVERY GRANTS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may award grants to eligible consortia to enable such consortia to provide comprehensive core services as described in section 231(a).

(b) ELIGIBLE CONSORTIA.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), a consortia—

(A) shall be a new or existing collaborating group of entities whose membership includes representatives from the local health department, the local educational agency, health and social services providers and community-based organizations located in the service delivery area that have a history of providing service to at-risk youth (including minority youth, school drop outs, adolescent parents, and runaway or homeless youth), youth development organizations, juvenile justice personnel, and parents and the at-risk youth to be served;

(B) shall consist of members who have demonstrated a financial or organizational commitment to providing comprehensive education, health, and social services to at-risk youth through an integrated service delivery network directed by the consortia; and

(C) shall prepare and submit to the Secretary an application in accordance with section 231(b).

(2) DEFINITION.—For purposes of paragraph (1):

(A) The term "financial commitment" means an identification of locally controlled financial resources, including those obtained through individual or joint application with other public and private funding sources, to be dedicated to the planning, coordination and delivery of comprehensive services to at-risk youth by the consortia.

(B) The term "organizational commitment" means—

(i) an identification of existing institutional and in-kind resources that each member of the consortia will dedicate to the goals and objectives of the consortia;

(ii) an assurance that the training and technical assistance necessary for teachers and other frontline service providers to increase their knowledge, expertise, and willingness to work collaboratively will be provided;

(iii) a commitment to participate in providing the data necessary to guide the joint planning, implementation, and ongoing monitoring consortia activities; and

(iv) with respect to the local educational agency, an affirmative vote by the local school board on participation in the consortia.

### Subtitle B—Statewide Youth Services Center Grants

### SEC. 221. STATEWIDE COORDINATION AND SERVICE DELIVERY GRANTS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may award grants to eligible States to enable such State to provide the core services described in subsection 231(a) through the awarding of grants to local community partnerships or consortia.

(b) ELIGIBLE STATES.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a), a State shall—

(A) provide assurances that a memorandum of understanding or written cooperative agreement has been entered into by the State agencies responsible for education, health and social services concerning the planned delivery of comprehensive youth services;

(B) have a demonstrated financial and organizational commitment to providing comprehensive and co-located health, education, and social services to at-risk youth through the awarding of grants to local communities;

(C) currently support the coordinated delivery of such services through a system of school-based, school-linked, or community-based comprehensive youth services centers;

(D) provide documentation that services are prioritized among communities that have health and social indices that indicate a high risk environment for youth, including high rates of children in poverty or who lack access to health care, teen pregnancy, sexually transmitted diseases including HIV, school dropouts, community or gang violence, alcohol or other drug use, youth unemployment and juvenile justice involvement; and

(E) prepare and submit to the Secretary an application in accordance with section 231(b).

(2) DEFINITIONS.—For the purposes of paragraph (1):

(A) The term "demonstrated financial commitment" means the investment of State-controlled financial and other resources available to States for the purposes of planning, coordinating, and delivering comprehensive services to youth in the most recent fiscal year.

(B) The term "demonstrated organizational commitment" means—

(i) an administrative mechanism in place under which a statewide system of local partnerships is implemented among education and public and private health and social service providers for collaboration in the joint planning, coordination, and delivery of comprehensive services to youth populations; and

(ii) a defined strategic plan for the manner in which the State provides technical assistance and training to localities for the development of the collaborative partnerships in described in clause (i).

### Subtitle C—Provisions Relating to Both Local and Statewide Grant Programs

### SEC. 231. USE OF AMOUNTS AND APPLICATION.

(a) USE OF AMOUNTS.—

(1) CORE SERVICES.—

(A) IN GENERAL.—A consortia or State entity awarded a grant under section 211 or 221 shall use amounts received under such grant to coordinate and deliver core services described in subparagraphs (B) and (C) through a system of school-based, school-linked, or community-based youth centers, to serve in-school and out-of-school youth and their families;

(B) COMPREHENSIVE HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES.—With respect to the delivery of comprehensive health, mental health, and social services, a consortia or entity shall ensure that—

(i) at a minimum, health screening and health care services, counseling and crisis intervention and referrals are provided onsite; and

(ii) health, mental health and social services which cannot be provided directly onsite will be secured through referrals to community-based providers under contractual arrangements and a case management system that ensures that youth receive needed services and appropriate follow-up services.

(C) YOUTH DEVELOPMENT AND LIFE PLANNING.—With respect to youth development and life planning services, a consortia or entity shall—

(i) provide programs and services that promote the development of life skills and social competencies which assist youth in completing school or employment training by helping them to establish life and career goals and avoid high risk behaviors; and

(ii) provide programs and services that are designed to prevent HIV and other sexually transmitted diseases, unintended pregnancy, alcohol and other drug use, suicide, community or gang violence, and other adolescent risk taking behaviors that reflect the needs of the youth populations identified by the community in the comprehensive plan of the partnership.

(2) COORDINATION AND DELIVERY OF CORE SERVICES.—An entity awarded a grant under this title shall, in meeting the requirements of paragraph (1), use amounts received under such grant to coordinate and co-locate the delivery of existing core services of the types described in such paragraph into a broader system of health and social services centers

accessible to in-school or out-of-school youth to more effectively utilize available resources prior to adding new resources or developing new services.

(3) COORDINATION OF CORE SERVICES WITH EDUCATION AND TRAINING SERVICES FOR OUT-OF-SCHOOL YOUTH.—An entity awarded a grant under this title shall use amounts received under such grant to provide outreach services to out-of-school youth (including adolescent parents and runaway and homeless youth) and to coordinate core services with alternative education and job training and placement opportunities for such youth.

(4) COORDINATION OF CORE SERVICES WITH ADDITIONAL SERVICES.—An entity awarded a grant under this title may use amounts received under such grant to coordinate and co-locate core services with additional services in order to enhance the support available to at-risk youth and their families through the service delivery network.

(5) EXPANSION OF CORE SERVICES TO FEEDER SCHOOLS.—An entity awarded a grant under this title may use amounts received under such grant to expand the coordination and delivery of core services to those elementary schools whose students will attend secondary schools currently providing core services.

(b) APPLICATION.—

(1) IN GENERAL.—A consortia or State entity that desires to receive a grant under this title shall prepare and submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require. Such application shall include a comprehensive services plan that meets the requirements of paragraph (3) and the assurances required under paragraph (4).

(2) FORMULATION.—In formulating a comprehensive services plan under this subsection, a consortia or State entity shall document the efforts undertaken to obtain broad based community input from teachers and other school personnel, health providers including organized medicine, social services providers including community-based organizations, and parents and at-risk youth in order to—

(A) maximize participation in the needs assessment conducted by the entity;

(B) formulate a service plan that is comprehensive and reflective of the needs delineated by the youth, families, and neighborhoods to be served under the plan;

(C) build institutional support for the services to be provided under the plan from the staff and administration of all members of the consortia and the support of parents and the larger community; and

(D) encourage increased collaboration among members of the consortia as well as a broader range of providers to enhance the quality, availability and a variety of services available within the consortia.

(3) CONTENTS OF THE PLAN.—Each plan submitted under paragraph (1) shall include, with respect to local consortia or those localities to be served under a Statewide network—

(A) a description of the in-school and out-of-school youth populations to which services will be provided under the grant and an assessment of their health and social services needs;

(B) an inventory of existing core services described in subsection (a) that are being provided to such youth populations, including subpopulations of youth with special needs;

(C) an identification of the unmet needs of such youth populations, gaps in the system of core services available, barriers to the utilization of services by such youth, and barriers to the integration of services including conflicting regulatory requirements and eligibility standards;

(D) a description of the program goals and objectives and intended outcomes, which may include increased integration and utilization of services by the intended youth populations, and improved health and education, indicators for service recipients relative to baseline community assessment;

(E) a description of the manner in which such data systems will be utilized to guide planning and to evaluate progress toward achieving the program goals and objectives described in subparagraph (D);

(F) a description of the means by which an entity awarded a grant under this title will—

(i) utilize existing Federal, State, local and other funding sources and reimbursement mechanisms (including Medicaid and other third party payors), received by the entity or its members for the coordinated delivery of core services; and

(ii) co-locate currently operating services provided by the entity or its members into a system of comprehensive health and social services centers in order to maximize the effectiveness of existing resources in serving in-school and out-of-school youth;

(G) a description of the services that will be directly provided to such youth populations with funds provided under this Act as needed to address unmet core service needs identified in the comprehensive plan;

(H) a plan for the phased-in development of comprehensive school-based and community-based health and social services centers with amounts received under this Act to achieve a citywide, countywide, or Statewide service delivery network of both in-school and out-of-school youth;

(I) a plan for the phased-in expansion of services available through the entity by identifying additional opportunities for collaboration with providers offering services in addition to the core services required under subsection (a) which have been identified as needs of such youth populations;

(J) a description of the process by which program development, implementation, and evaluation (including the criteria and decision-making process that will be used in allocating funds within the youth services center system) will be carried out within the entity;

(K) an identification of the fiscal agent or State agency administering the program and the manner in which program funds received under this section will be disbursed and monitored; and

(L) a description of the strategy for securing the long term financing necessary to continue to provide the services made available through the entity after the termination of the grant period.

(4) ASSURANCES.—An application submitted under this subsection shall contain assurances that—

(A) core services will be provided in a coordinated manner to in-school and out-of-school youth through a system of comprehensive services centers providing ready access to the youth and their families to be served;

(B) core services will be targeted to youth populations and subpopulations identified in the comprehensive plan and will be delivered in a culturally sensitive and linguistically appropriate manner;

(C) amounts provided to the applicant under this section will be used to coordinate existing services before such amounts are used to provide directly the services;

(D) amounts provided to the applicant under this section and used to deliver services will be utilized in conformity with the unmet needs as identified in the comprehensive plan of the entity; and

(E) entities awarded grants under this title will provide comprehensive services that extend beyond traditional school or service hours, including access to year round programs and programs that provide services in the evenings or on weekends.

(c) TERM OF GRANTS AND ADMINISTRATIVE COSTS.—

(1) TERM OF GRANTS.—Grants awarded under this title shall be for a term of not less than 3, or more than 5, years based on the ability of the grantee to achieve the goals and objectives identified in the entities application. The Secretary may provide 2 year extension awards to those grantees that, following the initial 3 year grant period, demonstrate substantial progress in the integration of comprehensive services for at-risk youth, including broad based institutional support for collaboration from all members of the consortia, and an improvement in the health and education outcomes of the youth served relative to the baseline community indices.

(2) CAP ON ADMINISTRATIVE COSTS.—A grantee may not use in excess of 5 percent of any amounts received under a grant awarded under this title for planning, data collection, administration, accounting, reporting, and program oversight activities.

(3) INTEGRATION INCENTIVE.—The Secretary, in making a grant under this title, may make available to an approved consortia or State, an amount equal to—

(A) $1 under such a grant for every $5 of Federal funds otherwise available to the individual members of the consortia or State through other Federal discretionary grant programs that will be integrated into the comprehensive service delivery network established by the consortia or State; and

(B) $1 under such a grant for every $1 of local, State or other non-Federal funds made available to carry out the purposes of this Act (such non-Federal contributions may be cash, from public or private entities, or in-kind, fairly evaluated, including facilities, equipment, and personnel).

Amounts provided by the Federal government and applied under subparagraph (A), may not be included in determining the local share for purposes of this paragraph.

**SEC. 232. CONSORTIA OR STATE PLANNING GRANTS.**

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may award 1 year nonrenewable planning grants to consortia described in section 211(b)(1)(A) or to States for the purpose of planning for the delivery of comprehensive services as described in section 231.

(b) APPLICATION.—To be eligible to receive a grant under subsection (a), consortia or State shall prepare and submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may reasonably require.

(c) USE OF AMOUNTS.—Amounts provided under a grant awarded under subsection (a) shall be used to—

(1) establish an administrative mechanism for the development and implementation of a citywide, countywide, or statewide system of school-based, school-linked, or community-based comprehensive youth services centers;

(2) assess the education, health, mental health, and social service needs of youth proposed to be served, and the current service

delivery system, to identify unmet needs and barriers to services for youth;

(3) develop program goals and objectives and intended outcomes and the means by which progress will be measured; and

(4) develop a strategic plan for the coordinating and delivery of comprehensive education, health and social services for youth populations to be served in a school-based, school-linked, or community-based location.

(d) LIMITATIONS.—

(1) AMOUNT AVAILABLE FOR GRANTS.—Not more than 10 percent of the amounts appropriated under section 308(2) shall be used to award planning grants under subsection (a).

(2) AMOUNT AVAILABLE FOR INDIVIDUAL GRANTS.—The Secretary shall not award a matching grant of more than $150,000 under subsection (a).

## TITLE III—IMPLEMENTATION PROVISIONS

### SEC. 301. INTERRELATIONSHIP BETWEEN TITLES.

(a) LIMITATION.—

(1) IN GENERAL.—A community that is currently receiving State funds for the delivery of co-located education, health and social services, or a community that will receive funding from the State if such State is funded under subtitle B of title II, shall not be eligible to receive funds under title I.

(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed to prevent a community partnership that currently receives State funding for the delivery of co-located education, health, and social services from forming a consortia in order to seek funding for an expanded citywide or countywide youth services network under subtitle A of title II.

(b) PARTICIPATION.—A local consortia operating in a locality that is receiving State funding for the delivery of co-located education, health, and social services, shall include participation from the entities receiving such State funding.

(c) CONTINUED FUNDING.—At the completion of the 5-year grant period under title I, a partnership receiving funds under such title shall be eligible for continued funding if such partnership has expanded into a citywide or countywide consortia as described under subtitle A of title II, or has become part of a Statewide network as described under subtitle B of title II.

### SEC. 302. CONSULTATION WITH OTHER DEPARTMENTS.

The Secretary shall consult with the Secretary of Education in the development of program regulations to implement this Act.

### SEC. 303. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary shall—

(1) widely disseminate information regarding the programs authorized under this Act to appropriate State and local health, education, and human service agencies and community-based organizations;

(2) provide technical assistance to support entities in complying with the requirements of this Act; and

(3) widely disseminate information with respect to successful and model programs supported with funds provided under this Act to current grantees and to entities described in paragraph (1).

(b) ADMINISTRATION.—The assistance and information under subsection (a) shall be provided directly through the Health Resources and Services Administration as the administering agency, other agencies within the Department of Health and Human Services with appropriate expertise, or through grants, or contracts with, nonprofit organizations with appropriate expertise. In carrying out this section, the Secretary shall collaborate with the Department of Education, Department of Labor, and the Commission on National and Community Service.

### SEC. 304. REPORT TO SECRETARY.

(a) IN GENERAL.—Entities receiving funds under this Act shall prepare and submit to the Secretary an annual report that shall contain information concerning—

(1) service utilization, including the number of client visits funded through this Act, the types of services provided, demographic data on the age, sex and race of participants, and the third party reimbursement source for such services provided;

(2) the most recent data for youth residing in the service delivery area including—

(A) school dropout rates, absenteeism, and school reentry rates;

(B) teen pregnancy and sexually transmitted disease rates; and

(C) available data on substance abuse rates, juvenile crime indices, and youth unemployment; and

(3) the number and types of entities participating in the delivery of services through the comprehensive services plan, and the actions taken to coordinate and collaborate with other entities in service delivery.

(b) THIRD YEAR SUBMISSIONS.—At the end of the third fiscal year for which a grant is awarded to an entity under this Act, the entity shall submit, as part of the report required under subsection (a), an analysis of the progress that has been made in—

(1) achieving the program goals, objectives and intended outcomes as outlined in the comprehensive services plan; and

(2) improving the health and education outcomes of the youth served relative to baseline community indices.

### SEC. 305. MAINTENANCE OF EFFORT.

The Secretary may not make a grant to an applicant under this Act unless such applicant agrees to maintain the expenditures of the applicant for the purposes for which the grant is awarded at a level equal to not less than the level of such expenditures maintained by the applicant for the year preceding the fiscal year for which the applicant is applying to receive the grant.

### SEC. 306. DEFINITIONS.

As used in this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(2) CHILD.—The term "child" means an individual between the ages 5 and 10.

(3) YOUTH.—The term "youth" means individuals between the ages 10 and 21.

(4) AT-RISK YOUTH.—The term "at-risk youth" shall have the meaning given such term in guidelines utilized by the Centers for Disease Control.

### SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, $250,000,000 for fiscal year 1993 and such sums as may be necessary for each of the fiscal years 1994 through 1997. Of the amounts appropriated for each fiscal year—

(1) 45 percent of such amount shall be made available to carry out title I;

(2) 45 percent of such amount shall be made available to carry out title II; and

(3) 10 percent of such amount shall be made available to carry out section 401.

## TITLE IV—FEDERAL COORDINATED YOUTH SERVICES INITIATIVES

### SEC. 401. SPECIAL PROJECTS OF A NATIONAL SIGNIFICANCE.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall establish and administer a special projects of national significance program to award direct grants to public and nonprofit private entities to enable such entities to fund model programs designed to integrate health and social services, including HIV prevention, provided to special populations at risk as defined in subsection (c).

(b) GRANTS.—The Secretary shall award grants under subsection (a) based on the—

(1) need to provide health and social services, including HIV prevention services, to meet the special needs of subpopulations of youth living in high risk environments who may otherwise not be provided with assistance under this Act;

(2) need to assess the effectiveness of a particular prevention or service model or collaboration strategy; and

(3) potential replicability of the proposed activity in other localities.

(c) SPECIAL PROJECTS.—Special projects of a national significance to be funded under subsection (a) may include those projects that are designed to target—

(1) runaway, homeless, or street youth;

(2) immigrant or migrant youth;

(3) youth involved in the juvenile justice system;

(4) youth involved in the foster care system;

(5) youth involved in gangs;

(6) youth with a history of substance abuse;

(7) youth with HIV disease;

(8) adolescent parents; and

(9) Native American youth.

### SEC. 402. FEDERAL COUNCIL ON CHILDREN, YOUTH, AND FAMILIES.

Section 918(k) of the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (42 U.S.C. 12314(k)) is amended—

(1) in paragraph (3), by striking out "and" at the end thereof;

(2) in paragraph (4), by striking out the period and inserting in lieu thereof a semicolon; and

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

"(6) identify program regulations, practices, and eligibility requirements that impede coordination and collaboration and make recommendations for their modifications or elimination;

"(7) develop recommendations for creating jointly funded programs, unified assessments, eligibility, and application procedures, and confidentiality protections that facilitate appropriate information-sharing; and

"(8) make recommendations to Congress concerning legislative action needed to facilitate the coordination of education, health and social services for in school and out of school youth.".

### SEC. 403 EVALUATION AND REPORT TO CONGRESS.

(a) REPORT TO CONGRESS.—The Secretary shall prepare and submit to the appropriate committees of Congress a biannual report concerning the implementation of this Act. Such report shall include a summary of the data provided in the annual reports submitted to the Secretary under section 304, and an assessment of the progress achieved by grantees under this Act in stabilizing and improving participant outcomes and reducing adverse consequences of adolescent risk taking behaviors and the absence of necessary services in the communities served under this Act.

(b) EVALUATION.—

(1) IN GENERAL.—Not later than 54 months after the date of enactment of this Act, the

Secretary shall, through the awarding of grants and contracts to independent entities with expertise in adolescent health and youth development, provide an evaluation of the programs funded under this Act to the appropriate committees of Congress. A representative subset of grantees under each title shall be selected with an equitable geographic distribution, and urban and rural representation. The evaluation process shall commence not later than 12 months after the date of enactment of this Act, with data to be collected under subparagraphs (B), (C), (D), and (E), at yearly intervals. The evaluation report shall be conducted by individuals who are not directly involved in the administration of the programs funded under this Act. The final evaluation report shall include—

(A) the program goals and objectives identified in the comprehensive services plans of grantees, and the degree to which they reflect the unmet needs and service gaps of the applicant area as delineated in the grant application;

(B) what services were provided by grantees under this Act, who the recipients of the services were, and an assessment of whether high risk youth actually received services provided by grantees, including youth who are out of school, runaway or homeless, and adolescent parents;

(C) the impact of a comprehensive and coordinated service delivery system on the baseline health and education indices identified in the comprehensive services plan of the grantee, and an identification of other relevant factors affecting the health and education outcomes among target youth in the service delivery area during the grant period;

(D) the expansion of services achieved in the service delivery area, both through enhanced planning and coordination of services and the provision of new service capacity;

(E) the degree to which increased utilization of services has paralleled service expansion;

(F) the process by which broad based input was achieved in the formulation of comprehensive services plans on an ongoing basis;

(G) the methods by which coordination of services was undertaken administratively among agencies and providers, the degree to which service coordination was achieved, and the barriers that impeded the coordination of services; and

(H) the sustainability of local partnerships, consortia, and State comprehensive service delivery networks at the completion of the Federal grant period.

(2) APPROPRIATIONS.—The Secretary shall use amounts made available under section 2711 of the Public Health Service Act to conduct the evaluation under this section.

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COMPREHENSIVE SERVICES FOR YOUTH ACT OF 1992 SUPPORTING ORGANIZATIONS

HEALTH GROUPS

AIDS Action Council
American Academy of Child and Adolescent Psychiatry
American Academy of Pediatrics
American Association for Marriage and Family Therapy
American College of Physicians
American College of Preventive Medicine
American Counseling Association
American Dietetic Association
American Medical Association
American Nurses Association
American Orthopsychiatric Association
American Psychiatric Association
American Psychological Association
American Psychological Society
Center for Population Options
National Association of Community Health Centers
National Commission on AIDS
National Minority AIDS Council
National Prevention Coalition
National Mental Health Association
National Association of Prevention Professionals and Advocates
Society for Adolescent Medicine

EDUCATION GROUPS

American Association of School Administrators
American Federation of Teachers—AFL/CIO
American School Health Association
Council of Chief State School Officers
National Congress of Parents and Teachers
National Association of School Psychologists
National Education Association
National Parent Teachers Association

GOVERNMENT

National Association of State Mental Health Program Directors
United States Conference of Mayors
United States Conference of Local Health Officers

CHILDRENS AND YOUTH GROUPS

Children's Defense Fund
Child Welfare League of America
National Collaboration for Youth
Member Organizations include:
American Red Cross
Association of Junior Leagues International
Big Brothers/Big Sisters of America
Boy Scouts of America
Boys and Girls Clubs of America
Camp Fire
4-H
Girl Scouts of the U.S.A.
Girls Incorporated
Junior Achievement, Inc.
The National Network of Runaway and Youth Services
The Salvation Army
70001 Training & Employment Institute
YMCA of the USA
YWCA of the USA, National Board

SUPPORTERS OF SCHOOL-BASED AND SCHOOL LINKED CLINICS

Academy for Educational Development
American Association of Child and Adolescent Psychiatry
American Association of University Women
American Jewish Congress
American Optometric Association
American Public Health Association
Association for the Advancement of Health Education
Catholics for a Free Choice
National Alliance of Black School Educators
National Association of Counties
National Council of Jewish Women
National Health Education Consortium
New Jersey School Based Youth Services Program

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SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES HEARING HELPING AMERICA'S YOUTH IN CRISIS, JULY 28, 1992

PANEL I

Arthur Ashe, President, Safe Passage Foundation, New York, New York, accompanied by Chanada Pinckney (program participant, age 17) and Kevin C. Dowdell (Cofounder and Treasurer, Safe Passage Foundation)

Harold Howe II, Professor Emeritus, Graduate School of Education, Harvard University, (former US Commissioner of Education), Cambridge, Massachusetts.

PANEL II

Joseph Fernandez, Ed.D, Chancellor, New York City Public Schools.

Judith Kurland, M.D., Commissioner, Dept. of Health and Hospitals, Boston, Massachusetts, accompanied by Phillip Veysey (teacher, Dearborn Middle School), Roxbury, Massachusetts.

The Honorable Jay Bradford, State Senator, Pine Bluff, Arkansas, accompanied by Ms. Jennifer McCollough, and her father John McCollough, Forrest City, Arkansas.

PANEL III

Maria Arana, Representing the National Parent Teacher Association, Los Angeles, California.

Donna Zimmerman, Director, St. Paul Health Start, St. Paul, Minnesota.

Laura Secord, FNP, Clinic Manager, Ensley High School Health Center, Birmingham, Alabama.

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TESTIMONY OF ARTHUR ASHE BEFORE THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES HEARING ON HELPING AMERICA'S YOUTH IN CRISIS, JULY 28, 1992

Senator Kennedy and Members of the Senate Committee on Labor and Human Resources, I am pleased to offer some observations and comments on the proposed Comprehensive Services for Youth Act of 1992. It is understood that the objective of this proposal is to provide health and social services to at-risk youth in either school-based and/or community-based youth centers. The institutional and organizational support of a variety of experts and groups is already on record in support for this proposed Act. I would like to add my unqualified support for the stated objectives so listed.

Few groups of public figures are called upon as often as athletes to serve as role models and symbols of inspiration for at-risk youth. Since a substantial percentage of these young Americans are minorities who feel intense alienation from mainstream America, I am especially interested in the services offered. In addition, as a board member of the Aetna life and Casualty Company for the past ten years, I have become all too familiar with real life beyond the numbers and statistics. The Aetna shares my concern that America needs to more directly address our collective health needs, especially for our children. The innocent among us—our children and the working poor—suffer far more than necessary or should be acceptable.

There is a quintet of troubles that is already called The Fateful Five by some in minority neighborhoods as it relates to health: Cancer, Heart Disease, AIDS, Drugs and Violent Crime. Who would have thought as little as fifteen years ago that homicide would be listed as a health concern.

I have been involved with several youth sports and mentoring groups: the U.S. Tennis Association's National Junior Tennis League; Virginia Heroes, Based in Richmond; and the Safe Passage Foundation which operates education through sports in Newark, New Jersey and Albany, New York. The Safe Passage Foundation is so named precisely because we realized that safe passage from childhood to adulthood was in many cases just a dream for at-risk youth. We know of pre-teens with ulcers from fear for their personal safety.

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And now AIDS. At the recently concluded international AIDS Conference in Amster-

dam, which should have been held in Boston, experts noted that half of the expected future AIDS victims—between 22 and 55 million worldwide by the year 2000—will be women, which means more children born HIV-positive. Though AIDS is among the most serious of concerns, the lack of overall health, education and support services is apparent. I am aware, as are most of us, that budgetary considerations influence the voting on this proposal, but I'm not sure no one who has to vote Yes or No, live without the basic services for their own children. Our children need comprehensive assistance NOW!

AIDS experts tell me that the most effective way to contain the spread of AIDS is through education in supervised settings. No dependable vaccine is expected for at least another five years. Human trials should begin with the most promising among them in 18–24 months. But in the meantime education, more than anything else, is the key ingredient in the mix of services to be offered to help. We can pay a few hundred or a few thousand dollars per child now through this proposed Act or a projected $125,000 per AIDS victim by 1997. I strongly urge its passage.

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REMARKS OF CHANDA PINKNEY BEFORE THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES HEARING ON HELPING AMERICA'S YOUTH IN CRISIS, JULY 28, 1992

Hello ladies and gentleman. Living in America as a teenager in this day and age has its ups and downs. Average teenagers have the same problems: deciding on what classes to take, what college to attend, and what outfit to wear, but inner city kids are not average teenagers. Inner city teenagers are at high risk of using and selling drugs; abusing alcohol and having irresponsible sex. This often leads to dropping out of school, getting pregnant, getting shot, or getting arrested. I am here to give you a first hand look at the inner city through my eyes.

My name is Chanda Pinkney. I am a 17 year old student of the Ashe-Bolletteri Cities Program in Newark, New Jersey. I live in an industrious, money-making city. Even though I see some parts of town making progress, poor neighborhoods seem to constantly be in a recession. I have lived in a lot of these communities. My mom and I moved around a lot so she could find work. Growing up was hard. I never had a chance to get comfortable in any one place or make close friends. I don't remember ever going to the same school for the entire school year until I was in sixth grade. I never had a role model that I could believe in. I was constantly disappointed by the people I looked up to and felt like they were all hypocrites. I decided a long time ago that the only person I could really believe in was myself. If I believed strong enough in myself, and if I set out to make the most of my life, then I could succeed and could become a role model for others.

To succeed, I have had to overcome all of the problems that teenagers must face—the many malignancies that are killing the people in my community and robbing them of their dreams—drugs, alcohol, teenage pregnancies, school dropouts, unemployment and violence. This describes my neighborhood perfectly. In fact, it describes every neighborhood I have ever lived in. From the moment I wake up to the second I go to sleep I am faced with these realities. It is hard to keep a positive attitude because we are surrounded by so much negativity. For example, in my building, there is a guy around my age who sells drugs to support his family and his mother's drug habit. They often fight and sometimes he beats her. Recently, she had to call the police and have him arrested. Their story is not unique, it happens in my neighborhood all the time. He is very mixed up, he needs help, and so does his mother. He needs a real job. We all need a place to go to get away from drugs and alcohol; get information about sex—especially safe sex; learn about how to get back in school, how to escape the violence, and how to succeed in life.

Most of the people in my neighborhood will eventually become a statistic. I myself could have done the easy thing and become a statistic. It would not have been very hard, but through the ABC Program, I have become a different kind of statistic. I am now part of the winning team that has beat the odds. I have found something that is positive and stayed with it. The ABC Program uses tennis to attracts kids to learn more and to experience positive aspects of life. As a free, year-round program for all inner city youth, ABC uses tennis as the appetizer and the off-court session, a half-hour discussion time, as the real meal. The off-court session is a time where we literally sit down and learn something that will help for the rest of our lives; from self-respect to life and career planning. The ABC program goes right to where the problems are—the "heart" of the inner-city. We have learned that we don't have to do the same thing as people around us or before us; we can start our own trend and, hopefully, future generations will follow in our footsteps.

Poor communities need more programs like ABC and school-based centers to help kids better themselves and their communities. If more health services were offered in our schools, we would not have to wait until things get so bad that we end up in the hospital emergency room. Instead we would receive preventive services and might keep healthy. We also need social services to help with family problems, personal problems, and peer pressure. If these services could be provided in our schools, many of my friends might not drop out—others might just drop in! I have the ABC program to help me. I am lucky. My friends are not so lucky. They need a place to go that will give them a chance to better themselves and help them be an asset. They need something that will prepare them mentally, emotionally and physically for adulthood in America. In school kids, out of school kids, ALL KIDS—We are not bad people. We have had bad experiences. We can make something of ourselves and we want to. All we need is some support, some services and some sense of hope that our needs will be taken seriously. I think that is what you are trying to do here with your bill. I think it will make a big difference. Thank you.

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TESTIMONY OF HAROLD HOWE II, SENIOR LECTURER, HARVARD GRADUATE SCHOOL OF EDUCATION, SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES, JULY 28, 1992

(Hearing on the critical importance of comprehensive health and support services for youth and the need for school-based or school-linked programs)

Mr. Chairman, I am pleased and honored to meet again with you and your colleagues. The main reason I came here today is that I believe you have incorporated into legislation some ideas that are absolutely essential to the successful development of children and youth in the United States. These ideas have been around for a long time, but not until now have they been so effectively captured in a public document for public action. I begin by congratulating you and your staff on the incisive and comprehensive nature of the Comprehensive Services for Youth Act of 1992.

First of all I want to explain why this legislation, which launches a relatively modest program in terms of Federal dollars, is so significant. For the last 10 years or more, Americans have become increasingly concerned about the success in school of their children and youth. They have interpreted declining test scores and lack of preparation for jobs requiring high literacy levels as signals that the educational capacities of schools have eroded. And they have mounted extensive efforts to improve schools. These efforts have been justified by the argument that the United States will compete more successfully in a global economy with a better educated work force. Although there may be some validity in this widely supported viewpoint, there is also a major omission. It fails to recognize all the other influences in the lives of children and youth, and also to recognize that those influences constitute a significant part of a young person's education. Think of how children and youth spend their time; from birth to age eighteen less than ten percent of their time is spent in schools, and the remaining ninety percent or more is spent within families and communities and the association that they provide. Unless the stimulation, caring and services needed by the young to mature successfully are available in addition to schooling, the idea that academic improvement of schools will solve all their problems is both mistaken and naive. Here are some points to consider under this general rubric:

Poverty among children has grown apace from one child in seven in 1970 to one in six in 1980 to one in five today. Poverty leaves children with diminished necessities of life—shelter, nutrition, health care, and affection. Poor parents love their kids just as much as the rich, but their struggle for survival can limit their capacity for effective caring.

Rapid changes in American families ranging from both parents working to a rapid growth of single parent families leave children and youth with less attention from adults outside of school. Half of our single parent families are living in poverty.

These changes have powerfully influenced American children and youth by eroding to some degree the effectiveness of what might be called their nonschool education, that provides a foundation for success in school.

As these pressures have accumulated in the lives of our young people, they have been magnified by the erosion of the publicly supported safety nets we provide to deal with them. The real value of AFDC and other payments to sustain a decent life for the poor has declined, and the flight overseas of millions of manufacturing jobs has landed a growing number of young families in low paying full-time employment that keeps them in poverty—often without health insurance.

The countries with which we compete in the international economic scene have vastly better safety nets for their at-risk families than we do in the U.S.A.

Finding ourselves in this situation as we head for the twenty-first century, we require several major initiatives, and this proposed legislation starts us toward one of them. We must make our existing programs serve the needs of at-risk families and children as efficiently as they possibly can. The way to do that is to break down the barriers that keep separate our programs for health, education,

job preparation, mental health, drug counseling, recreation, and the like. We must rethink the delivery of these services to serve their clients better. This bill will help to do just that.

The schools have one great advantage in helping to bring this transformation about. All children over age five and most youth are in school. So your preference for locating health and other services in school makes sense. It does not mean that schools must assume the costs of such services. Schools also have a major role to play in referring youngsters and parents to services that are not located in schools.

The concept found in the legislation that new partnerships must be formed in communities to create a capacity for joint planning that exists in only a few places today is right on target. It recognizes that there are numerous ways to organize such endeavors and asks only that the schools and other agencies be involved. A recent study of school boards in the U.S.A. sponsored by the 20th Century Fund in New York came up with the same conclusion. It argues that every school district needs a parallel agency to its school board. A Youth and Children's Services Board to oversee nonschool services for young people, and to encourage cooperation and identify gaps in services. A few cities already have such agencies.

The school reform movement in the U.S.A. too frequently operates in the assumption that we can fix the schools so that the schools can fix the kids no matter what we do to or for children outside the schools. That is both an erroneous and destructive assumption and your new legislation is a step forward in doing something about it.

School critics who are eager to raise test scores often fail to recognize that the learning which tests measure has its origins in families and communities as well as in schools. The Educational Testing Service [ETS] has just published a study of these family-based effects on test results. It is entitled "America's Smallest School: The Family." Its concluding section (p. 42) carries the following message:

"As long as the focus of attention remains solely on how we can make the schools do a better job, it is quite unlikely that the nation can reach such ambitious goals as being first in the world in science and mathematics achievement by the year 2000. The efforts of schools are launched from the platform of readiness and support for learning which are products of the home. A clear-eyed assessment of the family as school dictates a sobering conclusion that a large proportion of homes are not providing very high platforms for the schools to build on."

The relationships implied in this statement between families and schools powerfully support the significance of your new legislation. By enhancing the effects of health services and other supports for both individual youngsters and their families, it will buttress the role of the family as educator.

The system you have proposed to elicit improved local and/or statewide planning and coordination for health and other services that young Americans need is both flexible and workable. I particularly like the feature of the proposed legislation that allows Federal grants to encourage new efforts of this kind and also supports already existing projects, if they will use the funds to extend their reach to new services and new clients.

The detailed requirements for developing a plan as well as for evaluating it are clear and well organized. They recognize that carrying out the cooperative and collaborative purposes of the program is not an easy task. For many years, local, State, and national agencies have become accustomed to working independently even though many of them served the same clients.

Getting together to serve those clients better rather than protecting their own turf doesn't come easily. For the last 6 years, I have been chairing the William T. Grant Foundation Commission on work, family, and citizenship. The main focus of its work has been the needs of teenage youth in American society. In its final report published in 1988, The Forgotten Half, the Commission developed a chapter entitled "Toward More Responsive Communities." Among other initiatives it recommends (on page 64-5) the "Coordinating of Service Delivery" as suggested in much greater detail in your legislation. I enclose with this testimony a copy of that chapter.

In addition, the William T. Grant Foundation supports continued follow-up activities under the leadership of Samuel Halperin, who was study director for "The Forgotten Half." His work has resulted in the formation of the education and human services consortium, a group of about 30 agencies working on collaboration at the community level for improved service delivery to children and youth. This group has now published three additional pamphlets that may be of interest to your committee and its staff. I have arranged to have copies of these materials delivered to this hearing. If additional copies are needed, they may be ordered from the William T. Grant Foundation, 1001 Connecticut Avenue NW, Washington DC 20036-5541. Telephone 202-775-9731. The titles of the three recent publications are:

1. "What It Takes: Structuring Interagency Partnerships to Connect Children and Families with Comprehensive Service" by Atelia I. Melaville and Martin J. Blanks.

2. "Thinking Collaboratively: Questions and Answers to Help Policy Makers Improve Children's Services" by Charles Bruner, former State Senator in Iowa.

3. "Serving Children and Families Effectively: How the Past Can Help Chart the Future" by Peter B. Edelman and Beryl A. Radin.

I would like to make a final point about the proposals that will be funded under this legislation. I hope that they will embrace two major purposes: (1) Dealing more effectively with serious problems that often handicap the lives of young people such as dropping out of school, involvement with drugs, and irresponsible sexual relationships; (2) Developing improved community-based supports for children and youth that will prevent their involvement with such problems. I am listing here a quotation "The Forgotten Half," because I think it gives powerful emphasis to the concept of the prevention of negative behaviors:

There was an ancient Cornish custom used to test whether a person was insane. The individual was confronted with three elements: a spigot, a bucket, and a ladle. As water flowed from the spigot into the bucket, he was instructed to keep the water from overflowing. No matter how tenaciously and effectively he ladled water from the bucket—keeping it from overflowing—he was judged insane if he failed to turn off the spigot!

By that ancient standard we behave in a crazy way, picking up the pieces of damaged children—at greater and greater cost to society, with more and more dire consequences—rather than curb the supply. What is it in our character—in the way we organize and represent interests in this democratic society—that causes us to treat the consequences of damage far more vigorously than undertakings to prevent it?—From address by Emory Bundy (Director of Children's Trust Foundation in Seattle) March 9, 1988.

I am grateful for the opportunity to appear here, and I am glad to respond to questions you may have.

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TESTIMONY BY NEW YORK CITY PUBLIC SCHOOLS CHANCELLOR JOSEPH A. FERNANDEZ AT A HEARING BEFORE THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES, JULY 28, 1992

Thank you, Senator Kennedy and members of the Committee for the invitation to address your committee today on such an important issue as the health of our children.

As Chancellor of the largest public school system in the country, with nearly one million students (twice the size of the next largest system—Los Angeles) and a budget of nearly $7 billion, I struggle on a large scale to respond to the needs of the children and the challenges they face as they prepare to inherit this nation. Allow me to review some critical facts and figures:

39% of our students are on public assistance;

65% are eligible for free or reduced lunch;

More than 3,200 students live in temporary housing, many others in grossly overcrowded conditions;

The Centers for Disease Control Youth Risk Behavior Survey found last year that:

18.4% of our students had seriously contemplated suicide;

31% of our high school students had carried a weapon on one or more occasion during the month prior to the survey;

13.4 of our students reported having had their first sexual intercourse prior to the age of 13; and

6.2% of our students reported having been told by a doctor or nurse that they had a sexually transmitted disease, including HIV infection.

These shocking numbers are our future and require our immediate attention. I applaud Senator Kennedy for his innovative legislation and fully support the "Comprehensive Services for Youth Act of 1992". By demanding coordination and collaboration across agencies and institutions dedicated to youth issues, this legislation forces us to abandon our institutional armor, compels us to focus on the needs of the child, not the needs of the agency. We must stop asking "Whose kid is this?" and start asking "How do we develop and coordinate services to meet the needs of our children? They are all of our children and we must work together to provide services that meet their needs, to enable our youth to learn and thrive.

The high cost to society of the unhealthy child has many implications. Take the case of tuberculosis: In New York City where we are experiencing a tuberculosis epidemic, a TR screening and prevention treatment costs approximately $100 per child while hospitalization for a young person with tuberculosis costs an average of $6,000 per child. The point is that an effective prevention strategy can save dollars as well as lives.

In New York City we are focusing aggressively on prevention. Some examples of our efforts to head off these high costs by providing a coordinated prevention program include:

Community schools are a collaborative project of the New York City Public Schools and a multi-service non-profit organization.

They provide a supplementary service plan at a school site that includes medical, dental, mental health and counseling services, recreational and athletic programs, and drug abuse and teenage pregnancy prevention programs. Funded with a combination of public and private money, these schools are "beacons" in their communities—providing comprehensive resources to children and their families in a familiar and safe school setting.

Comprehensive Health High School Cabinets are coordinating councils organized in each borough of the City and staffed by a public school educator. The role of the cabinet is to identify service needs and coordinate health-related services and technical assistance to high schools. Membership includes representatives from the New York City Department of Health, the New York State Department of Health, local community based organizations serving young people and their families, parents, hospitals, medical schools, and primary care physicians.

Evaluation of HIV/AIDS Education Program: In order to ensure that our education program is of the highest quality and effective in meeting its objectives, we opened our doors to external evaluators from across the country to examine our strategies. To facilitate this effort, we enlisted the assistance of Dr. Karen Hein, Director of the Adolescent AIDS Clinic at Montefiore Hospital, Albert Einstein College of Medicine, who is a nationally recognized expert on HIV and adolescents. As a pro-bono consultant, Dr. Hein entered into a memorandum of understanding with us to coordinate the evaluation of our program and assist with program design and implementation.

Community Assistance Program in the Schools: After years of struggling to manage a multitude of contracts with a range of community based organizations to provide drop-out prevention services to students, the school system entered into a partnership with United Way of New York City. The United Way, with far greater knowledge of community-based organizations and their services, provides fiscal and program management for these contracts. The United Way manages approximately twelve million dollars of public funds, and donates an additional one million dollars of private money to support dropout prevention programs. They have been able to expand the number of agencies working with our schools and sustain high quality standards, as well as support programs that are truly community-based and accessible to the young people who need them.

Organizationally, we have also moved the New York City Public Schools in a direction of coordinated and comprehensive services. With guidance from the Division of Adolescent School Health of the National Centers for Disease Control, we created a new Division of Student Support Services. This Division combines, under one administrative rubric, substance abuse prevention, comprehensive health education, counseling, crisis intervention and drop-out prevention programs as well as services to young people living in temporary housing. This new administrative structure goes a long way to reduce duplication of services and ensure a high quality, coordinated approach to support the needs of children.

We have, however, encountered a major obstacle to this comprehensive effort. Federal funding, like state and local funding, comes in categorical packages, not designed to meet the needs of the child, but rather to meet the needs of the funding agent. Funds allocated for substance abuse prevention can not easily be used for comprehensive health education or other risk reduction efforts. We have one bucket for substance abuse, another for dropout prevention and a third for health education. But children don't come in buckets, they come as whole people, and they require whole services—more cost-effective and a smarter way of doing business.

The "Comprehensive Services for Youth Act of 1992" emphasizes the importance of collaboration. I hope it will serve as a model for federal agencies to examine and redesign funding streams that support children instead of institutions.

For a school system as large as ours with a budget of 6.65 billion dollars—$300,000 is not a great deal of money. But this is an important step for this Congress to take in addressing the needs of youth across America.

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COMMISSIONER JUDITH KURLAND, DEPARTMENT OF HEALTH AND HOSPITALS, CITY OF BOSTON, TESTIMONY ON COMPREHENSIVE SERVICES FOR YOUTH, U.S. SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES, JULY 28, 1992

I want to congratulate Senator Edward Kennedy and the Senate Committee on Labor and Human Resources for introducing this important legislation, The Comprehensive Services for Youth Act of 1992. The Department of Health and Hospitals is taking the lead in Boston to implement the kinds of innovative collaborations that this legislation promotes.

In Boston and in cities across America, children and adolescents are facing a public health emergency of a new kind. Despite spending more for health care than any other country in the world, America's children are not receiving adequate and appropriate health care.

Dr. Robert Knouss, Deputy director of the Pan American Health Organization, estimates that barely half of all two year-olds in America's inner cities have been fully vaccinated—a substantially lower rate than all other countries in North America, Central America, and South America. As a result, the incidence of measles has skyrocketed, increasing 1,670 percent from 1983 to 1990. About 80 percent of measles cases in children from 16 months to five years of age could have been prevented by timely vaccination. Since measles is the first indictor of the effectiveness of the vaccine delivery system, the increase in measles is likely to be followed by outbreaks of other vaccine-preventable diseases. Every dollar invested in early immunization of children saves ten dollars in later medical costs.

The U.S. ranks number one in health care spending, but only 22nd in infant mortality and 21st in the number of children who live past the age of five—behind all other industralized countries and even some developing countries. As a Nation, we spare no expense in providing the costliest high technology neonatal intensive care available anywhere in the world, but we shamefully fail to provide the appropriate prenatal care which would substantially reduce the need for infant intensive care.

In 1990, an estimated 12.2 million children and youth under 21 had no health care coverage. Nearly one third of Hispanic children and almost half of all African-American children are without public or private insurance.

The alarming spread of aids and other sexually transmitted diseases among adolescents—particularly in communities of color—substance abuse, teenage pregnancies at high risk of poor birth outcomes, and teenage violence represent a new kind of health crisis which is the result of social and behavioral rather than biological causes. The health care system in the United States is ill-suited to address these problems.

We have a difficult challenge ahead. We can meet this challenge, but only if we respond to these new problems with new solutions and build strong collaborations between the schools, the health care system, and the communities they serve. The legislation which has been proposed to improve school-based health services by supporting innovative collaborations between public education and public health goes far to give educators and health professionals the tools they need to address the impending health emergency in a more effective way.

The public health crisis that children and young people face in our cities cannot be solved by medicine alone. New solutions are needed that go beyond the traditional boundaries of medicine to create a comprehensive network of health, education, employment, housing and social services for children and their families in a holistic way. What is needed is an integrated web of health services and education that strengthens families and communities and helps young people develop the awareness, values, hope and inner strength to make positive life choices and avoid the high risk behaviors which are the underlying cause of the health emergency they face.

Young people in America's cities can no longer afford the continuation of a status quo that provides separate services in a fragmented way and creates artificial barriers between the school, the health care system and the community. To successfully address this new health crisis, schools, public health agencies and community-based agencies have to work together to provide a coordinated continuum of care for children and adolescents in the school and in the community. To do this, we have to redefine the role of the school in the community, and the role of the community in the school.

Public education and public health are the two most important institutions for improving the lives of America's children. They are the places where children spend most of their structured time and receive the vast majority of their public services. Each, working separately, can do much to better conditions for children and adolescents. But the problems that young people face in our cities today have become so complex and so interrelated that we must now bring public education and public health together as interdependent parts of a comprehensive system—a whole which is greater than the sum of its parts.

As our Nation finally struggles toward providing some sort of comprehensive services for children and adolescents we must begin to reach them where they are. Adolescents utilize health services less than any other age group, but services that are convenient and caring, that meet young people where they spend most of their structured time, can change that. School-based health centers have proven their ability to increase the utilization rate among adolescents, particularly among African-American males who are the least likely to use existing health care services. Through children and adolescents, we must begin to reach their families with an integrated web of preventive health and education services that can address the root causes of the problems that children and families face in the cities of our Nation. In this way, we can provide services that are at the same time more effective, more appropriate and less costly.

THE HEALTH EMERGENCY IN AMERICA'S CITIES

While the United States ranks number one in health care spending, the health status of the American people is below that of all other industrialized countries and even many developing countries. Nowhere is this disparity more glaring than in the cities of our Nation.

The spread of sexually transmitted diseases, particularly among adolescents of color, is a harbinger of the alarming transmission of AIDS among teenagers. The epidemic growth of sexually transmitted diseases indicates a disturbing increase in the same high risk sexual activities that spread HIV/AIDS, and sexually transmitted diseases make it far more likely that teenagers who engage in these high risk behaviors will contract AIDS.

In 1992, 30 percent of teenage students surveyed in New Haven, Connecticut reported that they had personally witnessed at least one violent crime in the previous year.

Abuse or neglect of an American child was reported every 13 seconds in 1990.

An estimated 7.5 million to 9.5 million children and adolescents are in need of mental health services. Fewer than one third of the severely emotionally disturbed children get the mental health care they need.

Nearly one out of every four children in America lives in poverty, and children under the age of six are more likely to be poor than any other age group.

Adolescents are less likely to use primary care physicians than any other group.

COMPREHENSIVE STRATEGIES AND SOLUTIONS

In Boston, under the leadership of Mayor Raymond L. Flynn, we are working to address this public health emergency in a comprehensive way that provides a full continuum of health care from prevention and health education to primary care and counseling in the school and in the community.

The schools cannot solve the health crisis of children and adolescents by themselves. That is why we are building new partnerships through the Healthy Boston initiative—so that schools, the health department, neighborhood health centers, hospitals and community-based agencies can all work together to provide a continuity of care in school and community settings, and so that children and their families can receive a full range of coordinated services in the most appropriate way.

Our vision is to create a seamless network of care by integrating a number of elements into a coherent system:

Comprehensive school health services provided by health professionals, including a school-based health center in each public high school, to offer a full continuum of prevention, health promotion, primary care and counseling. To make this happen, we are working with the school department to create new partnerships between the schools and the department of health and hospitals, neighborhood health centers, hospitals, and community-based providers. Our goal is to address the public health emergency facing adolescents in the context of the overall health care system.

A new, more comprehensive and more effective kind of health education from prekindergarten through 12th grade that involves a skills-building approach that empowers young people to overcome peer and media pressures, helps them develop positive values and productive life goals, and helps them make informed decisions based on understanding the alternatives before them. To be successful, health education of a new kind needs to be combined with fundamental educational reform which gives students strong self-esteem, hope for a bright future, and a quality education that opens the door to strong economic opportunity.

A comprehensive initiative to strengthen the internal capacity of families and communities to identify their needs and determine how best to meet these needs through community coalitions that bring the education, economic development, health, social service and housing sectors together to address community and family needs in a holistic way.

What we are finding in Boston is that the schools cannot do it alone and the health care system cannot do it alone, but that by working together in a new collaboration of schools and health care, we can begin to effectively address the health crisis of children and adolescents in America's cities. The legislation which has been proposed represents an important step forward in helping us meet the difficult challenge ahead, both in Boston and in all of America's cities.

On behalf of the people of Boston and the U.S. Conference of Local Health Officers, I strongly support this legislation submitted by Senator Edward Kennedy and hope for its speedy passage.

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TESTIMONY OF PHILLIP VEYSEY BEFORE THE SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES, JULY 28, 1992

Mr. Chairman and Members of the committee, my name is Phil Veysey. I have just completed my twenty-third year teaching at the Dearborn Middle School, located in the Roxbury section of Boston. I teach seventh grade Physical Science and eighth grade Life Science. For between 40%-50% of my current students, I have taught one or both of their parents. Over the years, I have seen the changes that have affected families and the community. It is from this perspective as a classroom teacher that I wish to share with you today many of my reasons for wanting to see health care clinics in public schools. I presume we can all agree, as a starting point, that children learn and develop best when they are physically and emotionally healthy. But the current system of delivering health care services is not working, especially for pre-adolescents and teenagers. There are many reasons for this.

First of all, many parents have trouble negotiating the health care system because of a lack of knowledge about how it works and what services are available. This is compounded for immigrants new in the country and language minorities who have difficulties with English. Often students, even elementary students, must miss school in order to accompany parents to the hospital to translate. This past year, one of my students was late at least three times a week because she was the only person in her family available to translate for her bed-ridden, diabetic grandfather and the visiting nurse. Her school work suffered as a result.

Secondly, many families rely on hospital emergency rooms as their primary source of medical services. This used to be an urban phenomena, but with the huge loss of jobs in recent years and the resulting termination of medical insurance, it is affecting more and more suburban families as well. Since parents often wait too long to bring their children to the hospital, the medical problems tend to be more and more, and harder to treat. Not only does this tax the limited capacity of emergency room facilities and staff, it is also a more expensive mode of dispensing medical care.

Emergency rooms can also be a frightening experience for children whether they are seven or fifteen. ER's often resemble battlefields, with the coming and going of ambulances, the scurrying around of staff, the sight of the wounded and dying being rushed in and out of surgery, the stress and emotion that permeates the atmosphere. Children come to equate medical care with these types of emergency room stress. They will try to avoid the situation as much as possible.

We see the results in the classroom. Parents send children to school sick with fever or contagious diseases and tell them to "see the school nurse". In the meantime they are infecting other children and school personnel. Children also come to school with bad cuts, burns, with broken bones, and bad sprains. I have seen students with colds that linger for two or three weeks because no one is taking care of them. The number of examples that could be cited is overwhelming. However, let me share a few with you.

Last year, several teachers noticed a seventh grade girl squinting and holding her papers close to her face. When asked if she needed glasses, she said "yes." Her previous pair broke over a year and a half before, and she was waiting for her father to buy her a new pair. It took four teachers and the school nurse almost a month before they convinced her mother and father to take her to a clinic for an updated vision test. It took over four months to convince the father to buy the glasses—four months of telephone calls, home visits, and threats. When she finally bought the glasses, her whole classroom demeanor changed. She became actively involved in the class. She did her homework regularly. She took pride in herself and in her work. I checked the glasses one day. Judging from the strength of the lenses I don't understand how she could have seen anything without them.

Schools regularly have to exclude students because they do not have the proper inoculations. This is state law. This usually involves students transferring into the schools including recent immigrants. Several years ago the state strongly reiterated the policy because of the rise in measles among high school and college students. One middle school found almost half of their student population—almost 400 students—without the proper immunizations. Notices were sent home informing the parents of the situation and of the state-imposed deadline for compliance. Yet about 330 of those students could not be readmitted to school after winter vacation because they had not yet received their inoculations. Some students were out of school for over six weeks.

One day I met a former student on the street and stopped to talk. She was sixteen at the time, had a three month old child, and was still enrolled in high school. She had just returned from bringing her child to the hospital. They told her that the baby was severely dehydrated. Why? Because no one had ever told her infant babies need water, not just formula.

A teacher I know regularly keeps sanitary napkins in her desk for girls who are unprepared. One time a girl asked for several napkins over a span of ten days. When the teacher started to question the girl, she found out that she usually had a long period with a heavy menstrual flow. Knowing that this was unusual for an eighth grader she pressed the issue. It turns out that the girl had recently been returned to her mother's custody from fostercare after her mother had completed a drug rehab program. The mother's new boyfriend drank heavily and was making sexual comments to the girl. The mother could see

what was happening. Instead of confronting the situation, the mother was slipping back onto drugs. The girl feared for her own safety and for her mother's well-being. She was afraid she would have to go back into foster care. The tensions were affecting her health and were being manifested in her menstrual period.

Another student diagnosed with the sickle cell trait missed almost four months of clinic appointments because the parents couldn't get time off from work. A teacher finally took him over school vacation.

I know it sounds strange to hear that parents couldn't take their own child to the doctor, even knowing the seriousness of the medical condition, but this is the reality. Many of our parents work in low paying service industry jobs. They often don't have health benefits or sick pay. They are threatened with being fired if they miss work. Although the story of the boy with sickle cell trait occurred over ten years ago, the employment situation is much worse today. Parents are desperate to hold onto the jobs they have.

Another student at my school lost a permanent tooth. The computer teacher queried the child, wrapped the tooth in wet towels and then took the mother and child to the hospital to have the tooth reimplanted. She made sure that the child followed the doctor's directions to the point of having the child rinse his mouth three times a day in her classroom, and calling the home on weekends.

Physical examinations are a major means of detecting medical problems early. They are also necessary for things like summer camp and participation in school sports. Yet it can sometimes take weeks for a child to get such an exam. Some students on our track team this year missed half of the track meets because they couldn't get their physicals any sooner. If the exams could have been done in school this would not have happened. Incidentally, two teachers and the school nurse spent at least six hours trying to arrange physicals for these students—time that could have been spent differently. As teachers, we know that these children cannot begin to learn until their physical and emotional needs are dealt with. Yet we cannot deal with them ourselves. We have gone beyond the point where the school nurse can simply put on band-aids, and send the child back to class. Schools are simply not equipped with the resources, expertise or personnel to provide the necessary services. Nor should we be expected to. Schools do, however, provide a site where medical sources can be delivered effectively to those most in need of them, by those most qualified to deliver them.

I believe that school-based clinics should provide, at a minimum, five basic services:

1. Regular screening and physicals
2. Inoculations
3. A mental health component, including on site both walk-in and long-term, counseling
4. Referrals to other agencies and health care providers.
5. Health education programs presented in conjunction with regular school personnel.

Regular screening, physicals and inoculations are pretty straight forward and don't need further explanation. I would, however like to expand on the last three.

Having on-site counseling services is, to me, one of the most important features of school based clinics, especially for middle and high school students. In addition to the normal problems of adolescence and growing up, our students physical environment is often filled with violence, death, alcohol, drugs, and/or parental neglect and abuse. Children are being overwhelmed by pressures you and I never had to face when we were their ages. These emotional issues have to be dealt with the same as physical problems. But it is these same emotional programs that teachers are least prepared to deal with.

Children (and adults) need to be able to talk through the conflicts and insecurities, the turmoil they are going through. They need to sort out the pieces to see and seek alternatives before they can make the decisions and take the actions necessary to regain a positive grip on reality. They bring these problems to the people they trust most, the people they see everyday—their teachers. Yet most classroom teachers have not been trained to counsel these types of problems. Nor do we have the time or the energy to embark on the long-term nature of such counseling.

Referring students to the appropriate outside agencies for service should also be done in a more effective manner. I have had many students come to me over the years to talk about their problems. But when I have to teach about 125 students every day, there is not much time to sit and talk. Somehow, I usually find the time within the next couple of days. When I learn what is confronting the student, I soon realize that the problem is beyond my capabilities to resolve. I must suggest others for the student to see. It often takes hours of my time to find the appropriate services and then more likely than not the student never goes because they are too scared, or they don't have transportation, or they don't want to involve their parents.

Clinics that function as part of the school community provide a sense of control of ownership for the student. The physical setting is familiar. The staff members become familiar faces. Relationships develop. Teenagers are very selective about whom they trust. They make judgments based on their own observations and their friends experiences. They will not open up to just anyone. This is one of the reasons the current system of health care delivery is not working for this age group. As the reputation of the clinic's staff grows, more and more students will partake of the services.

The relationship between the instructional staff of the school and the health care staff will also grow. Teachers will be able to refer students to people they know and work with. Classroom teachers see kids at close hand for at least five and a half hours a day. We live in the same relatively small rooms and hallways with them. We talk with them and listen to them. We often see problems develop and can try to intervene before they get out of hand. But we must have a place to send kids. We cannot do it all ourselves. Our primary function is still to teach the 25 to 30 students in each of our classes.

Another component that is generally missing in students lives is explicit instruction about how their bodies function, the connections between diet and health, how to protect themselves from diseases and abuse, the dangers of alcohol and drugs and how they lead to direct damage of the body, how to deal with violence and death, how to make good decisions and choices about their futures. Unfortunately, too many school systems have cut out "health" as a separate subject in these times of budgetary restraint. These topics are just not addressed in a coherent, comprehensive manner.

Programs that are collaborations between health care providers and classroom instructors will help fill this void. Students will often listen more intently to health professionals than to regular teachers—especially if they can go back to these professionals with personal questions and inquiries.

African-Americans, Hispanics, and Native Americans are at increased risk for high blood pressure, heart attack, strokes, elevated cholesterol, diabetes, and asthma. Yet the risk factors can be decreased by lifestyle changes. Young people cannot make these changes if they do not know about them or understand the importance of such changes. Joint programs, such as those described above will go a long way toward providing such knowledge.

There is another advantage to having health clinics in the schools—follow up medical care. If a child goes to a doctor, whether in an emergency room setting or a clinic, he or she very often doesn't understand the treatment. Children just don't seem to be able to "hear" what is being said. They need to be able to have instructions translated into everyday terms, to hear the directions more than once. School-based clinical staff can follow up to make sure students are following treatment guidelines. Students can drop in for clarifications. Outside clinics might want to follow up patients in the same way, but they generally lack the personnel and/or resources to do so. Since school based clinics are right there with the students, follow up is much easier.

In summary, school-based health clinics would have the following effects:

1. Students would enjoy a high level of general health.
2. Problems could be dealt with before they became more serious and expensive to treat.
3. Expensive facilities, such as hospital beds find emergency room staffs, will be freed up to do the job they were designed for.
4. Students will learn life long health habits. They will learn how to negotiate the health care system for both themselves and their families.
5. As a society, we will be moving toward the goal of preventive medicine.
6. Classroom teachers and school personnel will be freed up to do the all important job of teaching.

As a classroom teacher, I ask that you give me and my millions of colleagues across the country, the opportunity to do what we do best—to educate the young people who are our future. We cannot be all things to all people. Let us teach!!!

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TESTIMONY OF THE HONORABLE JAY BRADFORD, STATE SENATOR, ARKANSAS DISTRICT NO. 8 BEFORE THE U.S. SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES, JULY 28, 1992

Mr. Chairman, and Members of the Committee, I am Jay Bradford, a State Senator from Pine Bluff, Arkansas. I am here to offer a few comments concerning school-based clinics from the perspective of a state legislator who has worked closely with my state health department, the governor's office and fellow state legislators to provide primary health care to what we consider our most valuable resource, our children.

As you may have heard recently Arkansas is a small, poor, rural state. Children under the age of 18 comprise twenty-six percent of our total population of 2.3 million. Twenty-seven percent of our children live in poverty. Only three other states have a higher percentage of children living in poverty. Twenty-seven percent of our children come from single-parent families. We have an exceeding high teenage pregnancy rate. Currently, only

five other states have a higher teenage pregnancy rate than Arkansas. Because so many of our children are eligible for Medicaid, the percentage of children who lack insurance may seem artificially low at 28.7 percent. However, our state only serves approximately one-fourth of those children eligible to receive care through the Medicaid program. Recent state revenue shortfalls are seriously threatening even that level of service.

These facts, coupled with the appointment of Dr. Joycelyn Elders, a pediatrician, as the director of the state health department resulted in our state looking at the potential of establishing school-based clinics to provide basic health care for adolescents. Dr. Elders strongly believed that the children of the state were lacking adequate access to basic health services. She felt that through school-based health clinics, one-fifth of the state's population could be served since approximately one-fifth of our citizens are in school each school day.

Other than the fact that a large portion of the state's population can be served through school-based clinics, what are other reasons we feel they make good sense? You need only look at the barriers to access to health services for adolescents:

Lack of insurance coverage or money to cover charges;

Office hours that conflict with school schedules;

Lack of transportation;

Discomfort with traditional health care settings;

Perceived or actual lack of confidentiality between adolescents and their health care providers;

Inability or failure to comply with a provider's instructions or follow-up on referral recommendations.

On-site school-based services offer "drop-in" appointments, something which matches more closely the lifestyle and needs of impulsive, active young people. Most clinics do not charge for services so lack of insurance coverage or ability to pay is eliminated as a barrier. Lack of adequate transportation has become a chief concern in addressing the health care needs of our rural citizens. Through school-based clinics, you have already got the patient transported to the services. We have found in Arkansas, that because the clinics are staffed by persons employed by the State Health Department rather than the school itself, student attitudes toward clinic personnel are different. If the clinic were staffed by the school district, the students would look upon the staff as part of the school and someone that perhaps would not maintain the necessary confidentiality between the student and the provider. But, since the clinic staff is part of the state health department, students feel more at ease in discussing sensitive issues with clinic personnel.

Another reason such clinics seem to make good sense, is that you do not have to build a school-based clinic. The school district provides the housing for the clinic. As the number of children entering school reduces due to the reduction in the number of children in our population as a whole, many schools will have open classrooms which can be easily converted for clinic use.

Arkansas now has 21 school-based clinics. Not a single one of them was established by the state health department. Instead, they were established by the local community—the local elected school board, the faculty of the school, parents and children. The state health department plays only a supportive role in assisting a school district who determines they want a school-based clinic in their school. We feel this approach not only establishes local ownership of the program, but also diffuses most of the controversy which arises about these clinics.

Once a community indicates through the passage of the resolution of the local school board that they want a school-based clinic, the health department works with both the school board and parents to determine what services will be offered through that clinic. Communities are given a laundry list which includes: vision, hearing and scoliosis screening, monitoring of chronic conditions, EPSDT (Early Periodic Screening, Diagnosis and Treatment under the Medicaid program), treatment of minor illnesses and injuries, referrals for serious illnesses and injuries, sports physicals, general physicals, immunizations, tuberculosis skin tests, laboratory testing, wellness promotion, reproductive health counseling, contraceptive distribution, dental screening, safety and environmental consultation, and health education.

Even though the services are determined and approved by the local school board, no services are offered a student without written parental consent. Each fall, the parents of each student enrolled in a school with a school-based clinic must provide a consent form for their child to receive services through the clinic. On that form, the parent may indicate any services offered through the clinic which they specifically do not want their child to receive.

As you can tell from the vast array of services offered, these clinics vary from school to school. However, once established, there seems to be little resistance to increasing the services provided through the clinic. For example, in one school in our state over fifty senior high school students became pregnant during the school year. In addition to providing prenatal classes which covered nutrition, fetal development, infant care, prenatal care and child birth classes, these students were provided parenting classes. Since most qualified for the WIC program, arrangements were made with the local health unit (which is the WIC provider) to provide certification and vouchers on site, at the school-based clinic. Now, the school is seriously considering developing a child care center on site at the school to provide care for these babies and to use such as a training center for day care workers. So, you can see how once a clinic opens at a school, more opportunities arise resulting in expansion of services for our kids. And, although we may not be very happy about our high teenage pregnancy rate, through services provided by school-based clinics, these teenagers are now delivering healthier, full-term babies (a real savings to the state in neonatal intensive care costs) and are returning to school to complete their education so they can someday provide for their child.

I would do you a disservice appearing here today if I failed to elaborate some on the fact that the establishment of school-based clinics is not without some controversy. Despite the safeguards which we have actually made law in Arkansas—the requirement of the resolution by the school board indicating community support, the approval by the school board of services to be provided, and the written parental consent requirement—there is a group of citizens who strongly oppose school based clinics. Mostly, we have found these groups to be misinformed about the clinics. Once they see for themselves that we do not perform abortions or provide sex videos as "how to" instruction, they become supportive of the clinics.

However, there will always be a small group, and we feel this group is getting smaller each year, who do not want the schools personally involved with their children. In fact, in our state, most of these children are home-schooled. They do not even attend the schools with the clinics. It is these citizens who object to the use of their tax dollars to provide basic health care services to the poorest of our citizens, our children, that continue to fight the concept of school based clinics. In my state, I and our state health director, Dr. Elders, have decided that kids are worth fighting for so we will continue to battle these citizens in the halls of the legislature and in our courtrooms.

I applaud you, Mr. Chairman, and members of the committee for your diligent work in addressing the needs of our adolescents through your proposal. Clearly, our children are our future. For the past few years, that future has been looking mighty bleak. Thank you for your courage to shine a little light on this problem.

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TESTIMONY OF M. JOYCELYN ELDERS, M.D., DIRECTOR, ARKANSAS DEPARTMENT OF HEALTH FOR THE U.S. SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES, JULY 28, 1992

Mr. Chairman and Members of this Honorable Committee, I am Dr. Joycelyn Elders, Director of the Arkansas Department of Health and president-elect of the Association of State and Territorial Health Officers. I apologize for my absence from your committee hearing on this important legislative proposal. However, as the director of a health department for a small, poor, rural state who sees the lives of many adolescents falling into the river of ignorance, I want to thank you for the opportunity to comment on this bill.

Over a quarter of a century ago, I was a pediatric resident working in the children's ward at the University of Arkansas Medical Center. My patient that day was a young girl with a thyroid ailment. I was pleased to tell her that she could go home the following day. She looked up at me and I saw fear in here eyes. She said, "Dr. Elders, I don't want to go home." "Why not?" I asked her. She replied, "Dr. Elders, every Saturday night my brothers and my uncles and my daddy get drunk, and they use me. They use me. Me and my sister." At first, I did not believe her. I told her she had to tell her mother. And she told me, "I tell my mother. She don't do nothing about it." This was before state laws requiring doctors to report suspected abuse cases. Imagine the degree of fear and shame this young girl had to overcome to confide in a black, female doctor because she was white and this was during the 1960s in the South. Like her mother, I did nothing. I just sent her home.

The fear in that young girl's eyes has never escaped my memory. In 1987, when Governor Bill Clinton asked me to consider serving as his state health director, I jumped at the chance because I have been unable to forget that little girl. As Director of the Arkansas Department of Heath, I have been working very hard to provide all children a place to go. The school-linked services proposed in this legislation will be that safe harbor for those children who otherwise would have no safe harbor.

For most of our history, American parents have delighted in seeing their children achieve more than they did themselves. Each generation has been better educated, better housed, more skilled, and more economically

secure than the previous one. But for many Americans, those days are over. For perhaps the first time since the Great Depression, American children will no longer routinely surpass their parents' standard of living. Over the past 30 years, adolescents have been the only population group in the United States who have not experienced improvement in their health status.

Today, one of five children is poor. Too many of these children belong to what I call the "5-H Club"—the hungry, the homeless, the healthless, the hugless and the hopeless.

Consider with me these generational comparisons for the Code Blue Report of the National Commission of the Role of the School and the Community in Improving Adolescent Health:

In 1965, there were roughly 4 cases of gonorrhea and syphilis for every 1,000 American adolescents. In 1985, there were 12. CDC estimates that 2.5 million adolescents each year contract a sexually transmitted disease.

In 1965, 16.7 out of every 1,000 unmarried teens age 15-19 give birth during that year. In 1985, 31.6 out of every 1,000 did.

In 1950, the rate of youths age 14-17 who were arrested during that year was 4 per 1,000. In 1985, the rate was 118 per thousand.

In the 1950s, less than 5% of youth experimented with an illicit drug before entering 10th grade. In 1987, over 30% of youth had done so.

In 1965, 9.8% of all children under 18 years lived in single-parent homes. In 1985, 21% did.

In 1960, 39% of mothers with school-aged children were working outside the home. In 1987, 70% did.

Violence and injury account for 3 of 4 adolescent deaths.

Homicides among 15-24 year olds has increased 300% since 1950; suicides have tripled among young teens and doubled among older teens over the past 20 years.

Annually, one in 10 adolescent females becomes pregnant, more than 1.1 million per year.

One in 7 high school seniors report drinking to inebriation on at least a weekly basis.

Approximately 6% of adolescents are affected by chronic medical and/or psychiatric disorders.

Contemporary threats to adolescent health, the so-called "social morbidities", are primarily the result of social environment and/or behavior.

Families, too, have changed in ways that affect their ability to meet the health-care needs of children. A majority of children lives either in single-parent households or in families where both the parents work. In many of these families, social and economic stresses are heavy, adults have less time available for supervising health care, and no one is at home during the school day. Since children usually receive health care at the initiative of their parents, these circumstances hamper regular access to care. Moreover, more and more American families find themselves with no health insurance or inadequate health insurance. Almost 15% of Americans under age 64 have no form of health insurance—the highest concentration of those uninsured is among young adults and their children. This national crisis in health insurance coverage also serves as a barrier to health care.

These barriers disappear with school-based health clinics. In the Code Blue Report, the National Commission noted that the federal government should call public attention to our adolescent health crisis, the effect of the crisis on student achievement, and the importance of uniting to address adolescent health. More simply stated, you can't educate kids if they aren't healthy, and you can't keep kids healthy if they aren't educated. The Commission recommended that you, as the federal government, do the following:

Recognize the inter-relationships between education and health and the need for school-based or school-linked health centers and health promotion programs; and

Provide funding for the development of adolescent health centers, training health and social service professionals to work effectively with adolescents and to work collaboratively across disciplines, to expand public health services for adolescents, to employ Neighborhood Health Workers, and to provide federal technical and other support to state and local officials in establishing measurable health objectives, indicators, and tracking systems to assess state and local progress in improving adolescent health.

I worked with the National Commission on the Role of the School and the Community in Improving Adolescent Health which produced the Code Blue Report. Let me say, after reviewing a draft of Senator Kennedy's bill, I feel our prayers have been answered. I feel this program will provide much needed assistance to states and local communities to fill the gaps which exist in our current health care/social service delivery system for adolescents. The required formation of local community partnerships to coordinate and deliver comprehensive education, health and social services to adolescents was also a recommendation of the National Commission. The report stated that "local coordinating councils should serve as catalysts to meaningful collaborative services, among public and private agencies, as advocates for the health needs of adolescents, and as monitors of the accessibility and quality of services." One of the important lessons we have learned in Arkansas about school-based clinics is that you must have local support and ownership of the program for it to be successful.

After reviewing the draft legislation, I am delighted to offer my full support for the proposal. Either someone in Washington is actually reading and responding to recommendations of the Code Blue Report or great minds are running together. Although I would prefer to see some state input on reviewing local grant applications and would ask that you consider adding public health departments as a necessary party in the local partnership under Title I, these are just minor details coming from a state health department director. These are items which can be worked out as the bill progresses through Congress.

I understand that President Bush's FY 1993 budget includes a proposal for the Ready-to-Learn School Health Program. If funded, it would provide comprehensive primary health care and prevention services to children age 3-12 and their families. Senator Kennedy's proposal provides the important link between children's health care and care for adults. By targeting funding for adolescent programs, you will be serving the most underserved portion of the American population today.

We currently have 21 school districts on a waiting list for school-based services. They have already received the support of their local communities and fought all the fights concerning services to be provided in the clinics. They just need money to get started. I look forward to working with you and my Congressional delegation to help steer this legislation through because I really believe time is of the essence. During the past hour, our nation has spent 33.7 million dollars on our national defense. We spent 23 million dollars on the S&L bail out. Yet, we only spent 1.3 million dollars on our children's health. The authorization required to fund this bill is a mere drop in the bucket compared to defense and S&L bail out spending. Surely the health of our children is as important as either of these.

Senator I would like to thank you and your committee for having the vision and the courage to address the issues of adolescent health, not as a religious, moral, or economic issue, but as a social morbidity issue which is destroying the most valuable resource we will ever have.

You know that our children have needs. You know that it is the social morbidities impacting health that are keeping increasing numbers of our young people from reaching their potential. You know that it will take all of us to make sure that all of our children grow up healthy, educated, motivated, and have hope. This piece of legislation will make health and educational services available, accessible, affordable, and age appropriate. It will help build bridges over rivers of ignorance so that more of our bright young people will be able to cross.

Thank you!

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TESTIMONY OF MARIA ARANA

Mr. Chairman and Members of the Committee, I am pleased to be here today representing the National PTA in their endorsement of the Comprehensive Services for Youth Act of 1992. As a parent, I would like to share my reasons for supporting health clinics with strong parental involvement and my experience with a similar program in my community.

My name is Maria Arana. I am a single parent who emigrated to the United States twelve years ago from El Salvador. Escaping the strife of my native war-torn country, I searched for a better future for myself and my children. What I initially faced in this country was living in the inner city, filled with constant signs of crime, drugs, neglected children and poverty-stricken families. This frightened me and the possible effect of that environment on my 15 and 17 year old daughters. For example, when the 17 year old first attempted to take the public bus to school at age 14, her gold chain was ripped from her neck, as she later explained in tears after running home from the incident. At that point I became very protective of my daughters, and I was determined to succeed in ultimately getting them out of that area in hopes of providing a safer environment that is more conducive to their proper welfare.

My daughters attend Los Angeles High School, where I also work as an Office Assistant. When I first learned about a School-Based Clinic opening at Los Angeles High five years ago, I was skeptical about its effect on the students and parents. However, as the program unfolded, the energy, enthusiasm and professionalism displayed by the School-Based Clinic Program staff prompted myself and other school district staff to join them. Their efforts in providing medical services along with counseling and education made the services perfectly suited to a student's needs. The School-Based Clinic provides the safety net that students and their under-insured parents need in these harsh economic times. Because I now work at the school, I see many cases of students who need help, and I and other parents believe in the clinic and do whatever we can to help students use the services there.

When my daughters began attending high school, I permitted them to use the clinic's services without limiting their access to the comprehensive services. Subsequently, my daughters have obtained free immunizations, free physical examinations, free education and counseling about sensitive matters that I find very difficult to explain to my daughters. In addition, I have not had to miss work to drive them to see a doctor—this is an important reason why I so strongly support the school-based clinic—students like my daughters are able to obtain care where they spend most of their day.

Living in a community that has no sense of unity is quite depressing and frustrating. My daughters must stay home during the holidays because there are no accessible recreational programs where we live. No pools, no baseball fields, no safe places in which to walk. Consequently, this dire situation has led me to support the school-based clinic many times, being the only organization doing community outreach. A few months ago, the riots in Los Angeles were only the beginning of my community's demonstration of their frustration with the economic reality and decaying sense of community. I am still very frustrated. I want my daughters to live in a real community, where resources exist to help one another. The School-Based Clinic at Los Angeles High demonstrated its readiness to deal with the real issues that the school district is too busy to handle or simply cannot deal with. During the riots, Korean students were beaten up, a student was shot in the leg in front of school and teachers were nowhere to be seen during the height of the crisis. However, School-Based Clinic Staff was available to treat the injured students and counsel them. Students were able to come back to school in spite of the tension and the presence of the National Guard on campus. The School-Based Clinic educators and counselors provided critical counseling services for those traumatized teens and provided referrals in the community for emergency care for parents as well as teachers. The School-Based Clinic became a life line to obtain information, numbers and advice to help students and their families.

I could not believe when I was told that 70% of clinic patients do not have medical insurance. Although I can provide coverage for my children, many students have not seen a doctor for more than five years. I must work to care for my children and missing work is not part of the plan. Accessible, free, competent and effective services at the school where my daughters attend makes me at ease that they are effectively cared for at the place where they spend most of their time. Similar services must be expanded to other children in other school districts with parents' involvement. I am committed to the programs that the Comprehensive Services for Youth Act of 1992 seeks to implement and strengthen in all communities of the country. Thank you for your time.

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HEALTH START: ADOLESCENT HEALTH PROGRAM, ST. PAUL, MN, DONNA ZIMMERMAN, MPH, EXECUTIVE DIRECTOR

Mr. Chairman and members of the Committee, I am pleased to come before you today representing the Health Start program in St. Paul, Minnesota. Health Start is a non-profit community-based organization providing health and social services to women, children and adolescents in St. Paul. We are proud to have opened the first comprehensive school-based health clinic in the country in 1973, and now serve 5 high school and 2 alternative school programs, in the St. Paul area. I want to take this opportunity to provide you some background on the development of these school clinics, and the significant role they have played in helping St. Paul youth stay healthy and on track towards a hopeful future.

Over 20 years ago, staff from an inner city high school in St. Paul approached a predecessor of Health Start, the Maternal Infant Care Program, about ways to reduce the high school drop out rate among pregnant teens. A working group of 4 grew to 20 members with the inclusion of parents, school personnel, elected officials, and business leaders. In two years, a school-based clinic emerged at the school to provide prenatal infant care, family planning, nutrition and mental health services. Since that time, school-based clinics have expanded the range of services offered to provide a one-step shopping menu of comprehensive health and social services as requested by each school's neighborhood community.

Each year, nearly 3,000 students visit our school-based clinics. Coming from diverse socioeconomic backgrounds, two thirds of the students are from low-income families who are either uninsured or underinsured. Most adolescents coming to the clinic report no medical care within the past year, and no regular source of care. The clinic utilization by the school population is high, with over 50 percent of all students using the clinic during their high school years.

The school-based clinics fill a vital function in establishing an ongoing trusting relationship with students so they can bring their concerns and receive needed services, or an appropriate referral. We offer a wide range of services including general medical care, preventive health counseling and education, prenatal care, nutrition counseling, social work services, and peer counseling and mentorship programs; on an average, students make four visits a year to the clinics. The clinics are built on a multi-disciplinary staff model, with a physician, nurse practitioner, health director, social worker and nutritionist available as needed. Students usually see two or more of the disciplines during a typical visit. For example, it is a routine practice for students who receive sports physicals in the clinic to also see the nutritionist, since weight gain issues and dietary practices are important health considerations in this age group.

The comprehensive service approach has been adapted through the years to respond to the alarming adolescent health statistics. A Minnesota statewide survey of adolescents in 1989 revealed that physical abuse in the home endangers one Minnesota teenager in eight. Furthermore, one out of nine students reported they had attempted suicide. Thus, we provide extensive counseling for adolescent victims of abuse and have increased activities to promote positive self esteem for students as an extension of the clinic services.

The most critical element in the success of the Health Start program has been the support of the community, parents and school personnel. Parents provide written consent to use the clinic, serve on advisory committees and also the Health Start Board to give input into program design and services; currently a group of parents have been working for a year and a half to bring a new school-based clinic to a 6th high school in our city. School staff are also integral to the success of the program. A unique partnership exists between school and clinic staff at Harding High School, where Health Start runs a peer mentorship program building leadership skills among high-risk youth. The program has been so successful that there is a waiting list for enrollment, and the school has qualified it as an option for academic credit. Health Start staff also provide classroom education to assist teachers and provide a means of outreach for the clinic.

Health Start's school-based clinics work collaboratively with the medical community to refer students for specialized services and follow up beyond the scope of the school clinic and to make sure that each student has access to a primary care network during the periods school is not in session. Health Start contracts with physicians from local clinics and St. Paul-Ramsey Medical Center, which provides for continuity in care and helps build linkages with the medical community. There is also a close relationship with community and county mental health providers to refer students and their families as needed, or in some cases to co-locate other community mental health agency staff in the school clinic itself.

Local community partnerships are critical to the financial stability of Health Start's school-based clinics. The City of St. Paul, Ramsey County together with state, federal and private contributors have funded various aspects of the clinic programs. The St. Paul Schools donate space for the clinics and as schools have been remodeled, incorporated clinic space in the building plans.

The school-based clinics in St. Paul have served nearly 50,000 students since their beginnings. The services are proven to be cost effective and effective at reaching those students who are the most vulnerable for health and emotional problems.

The Comprehensive Services for Youth Act is an exciting opportunity to expand community-school partnerships, promote increased access for health and social services and make a real impact on the lives of our adolescents and the health of our communities.

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TESTIMONY OF MS. LAURA SECORD, SENATE COMMITTEE ON LABOR AND HUMAN RESOURCES, JULY 28, 1992

Mr. Chairman and Members of the Committee, I am pleased to be here today to tell the story of Ensley High School Adolescent Health Center, where I am the Nurse Practitioner/Clinic Manager. The Center is sponsored by the Jefferson County Department of Health in Birmingham, Alabama. Approximately 1,200 students are currently enrolled.

The Ensley High School Adolescent Health Center is a comprehensive school-based program originally funded with a grant from the Robert Wood Johnson Foundation. The project was developed after eighteen months of collaboration by a strong community based advisory board made up of teachers, school officials, health care providers, clergy, parents, students, and area law makers. When the clinic opened in January of 1988, the school's population was 85% African-American and 15% white. Only one third of Ensley's students had health insurance, and one third of our students had not received any medical attention in over 2 years.

I came to the Ensley project in the fall of 1986 from a rural county health department where I saw a number of adolescent patients and was struck by their fear and discomfort when seeking care at our clinic. Though we tried to put them at ease, they were often so uncomfortable that they could not make eye contact. They often missed appointments and did not follow through with treatments. I arrived at Ensley High School with a deep feeling that something was wrong with the

way our system provides care to teens—both where and how we were going about it made our services both physically and emotionally inaccessible. I began my work with the program by establishing a presence in the school and laying the groundwork for the clinic opening. We held night meetings with parents to hear their concerns and insights into their children's needs. When the doors of the clinic opened, our staff included a pediatrician, registered nurse, social worker, nutritionist, and mental health counselor.

I saw my first patient before the final renovations were even completed. She was a seventeen year old with a severe kidney infection. She was also six months pregnant and had been starving herself in order to keep her pregnancy a secret. She was severely depressed. Her pregnancy was a result of sexual abuse by an older family friend. By the end of the first month, I had treated kids with a wide range of problems including strep throat, fractured femur, diabetes, high blood pressure, severe depression, dental disease, anemia, epilepsy, and gonorrhea.

By the end of the first school year, over 50% of Ensley's parents had given consent for their children to use the clinic. And the word was out among the kids that the clinic cares. They listen. They treat you with respect and keep your confidentiality. Word got out among the teachers too. The clinic staff cares about education, and pays attention to teachers' concern.

The staff has trust—and with trust came the revelation that the surface problems kids were facing—such as abusing drugs and alcohol, dropping out of school and getting pregnant, were not the real problems. The real problems were pain, isolation, loneliness, fear, and more than anything else a lack of caring.

We began to listen, in the classroom and in the clinic, to the stories behind young people's action, stories of physical and sexual abuse, stories of families functioning under the strain of addiction, stories of young people witnessing daily violence as friends and family members were being killed. Deep secrets and untold stories manifest as headaches, stomachaches, and chest pains, and find other expression in violence and irresponsible sex.

The Clinic staff listened and learned that we would have to provide more than just health care. We were here to provide healthy caring, a process that grown over time and comes from being part of a young person's everyday life. That is the difference that school-based health care makes—it gives us a chance to develop a daily relationship with the young people that we serve. And that relationship builds a bridge to help young people finish school and become contributing members of society.

Over the last five years we have put together a remarkable program of services at Ensley. We like to think of these as the building blocks toward a successful future. Services include general health, mental health, health education, and day care services. There are approximately 3,000 patient visits per year for general health care alone. Nutritional counseling is also an important component to help teens establish health habits to avoid hypertension, obesity, and chronic illnesses later in life.

Our mental health program is unique, with a social worker and mental health counselor available to kids and their families. One feature is a peer support program called CHOICES, which involves over 400 kids a year in groups focusing on goal setting, violence prevention, and communication skills.

We also offer health education, which has reached nearly 2000 students in five years with messages of self-esteem and responsible decision making. Our daycare provides a means for 27 young parents to stay in school each year.

We have learned that no single approach will work in isolation. A broad collaboration among teachers, students, parents and community leaders has been critical to the success of our program. Five years ago we heard echoes of community opposition; now we hear the chorus of community support and demand. The school-based clinic program has provided better access to services for young people, better strategies for teachers, and facilitated better communication between parents and teens.

In March of 1992, with the support of the Jefferson County Health Department, we opened our second school based program. The need we face is great, but funds are limited. I know the work we do makes a difference. Each year at graduation I am amazed at the number of students accepting their diplomas whose lives we have touched. I am struck by the integrity of their struggle and the jeopardy in which they live. The problems and challenges our youth face are large, but our presence has enabled many to go on and achieve a hopeful and healthy future

I would like to close with the words of a young lady who graduated in June of 1991. Her words come from a play she wrote for the clinics Teen Theater. She came from a family that had been injured by crack abuse and yet she found a means of self expression through a clinic program. Her writing led to recognition by the Ford Foundation and a full college scholarship. Her poem echoes the feelings of young people across our land from Birmingham to East L.A., from New York City to St. Paul:

SILENT CRIES

No one listens.
No one cares.
No one's there with which to share.
The pain and hurt.
Our hearts cry out.
Love and affection we are without.
And so alone we live in our lives.
We live the life of silent cries.

Mr. Chairman, I strongly support your legislation to provide the comprehensive services our kids need to build healthy and hopeful futures. It is an answer to the many cries of our youth. It is the healthy listening and healthy caring that we have tried so hard to provide. Thank you.

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AMERICAN MEDICAL ASSOCIATION,
*Chicago, IL, July 23, 1992.*

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN KENNEDY: The American Medical Association is pleased to express its support for the "Comprehensive Services for Youth Act of 1992." This bill addresses the quality and availability of comprehensive education, health and social services to youth in school-based or community-based locations. Such issues relating to the health and well-being of our youth are unquestionably among the most critical problems facing our nation today.

The provision of services through school-based and community-based health centers provides an appropriate mechanism for reaching underserved youth. To be most effective, programs should entail local and state partnership which include physicians and other health professionals, educators, parents, and other community leaders. Health promotion and disease prevention should be the cornerstone of a comprehensive health strategy. Meaningful evaluation is necessary to ensure that funds are utilized as effectively as possible.

The AMA appreciates the opportunity afforded us to work with your staff in the development of the proposed legislation. We strongly believe that the bill represents the beginning of a new era of both public and private initiatives directed at improving the health of America's youth.

Sincerely,

JAMES S. TODD, M.D.,
*Executive Vice President.*

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AMERICAN FEDERATION OF TEACHERS,
*Washington, DC, July 24, 1992.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN KENNEDY: Earlier this year, the American Federation of Teachers announced its Proposals for Children in Crisis. The Proposals encompass education, health care, nutrition, and other services or investments which the A.F.T. deems essential if the nation is to address a growing crisis among children and youth.

Many children and youth are not making satisfactory progress in education, and this will continue to be the case if necessary educational resources and facilities, nutrition, health care, and social services are denied. Youngsters who come to school hungry, sick, or homeless, and whose poorly supplied classes meet in halls, closets, or stairwells, cannot be expected to learn. One of the ten Proposals for Children in Crisis is the establishment of health clinics at or near schools. Another is the expansion of child care, prenatal care, and preventative health care for children and youth.

Inadequate health care and poor educational performance are undeniably related. For this reason, the A.F.T. enthusiastically welcomes your introduction of the Comprehensive Youth Services Act of 1992. It addresses critical problems that affect the well being of many children and their ability to prosper in school. It should be speedily enacted and funded. To that end, the A.F.T. offers its support.

Sincerely,

GREGORY A. HUMPHREY,
*Acting Secretary-Treasurer.*

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CHILDREN'S DEFENSE FUND,
*Washington, DC, July 24, 1992.*

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN KENNEDY: I am writing to thank you for introducing the Comprehensive Services for Youth Act of 1992, a bill designed to improve the quality and availability of urgently needed education, health and social services for America's at-risk youth and their families.

Being a teenager today is far riskier than it ever has been. Many teens are poor and unhealthy, unsafe in their homes, their neighborhoods and their schools. Many are at risk of drug and alcohol dependency, premature sexual activity or pregnancy long before they are ready to become parents. Many are written off as unsalvageable by schools that are too overwhelmed to respond to their needs. The consequences of youths' actions now include dangers ranging from single parenthood and prolonged poverty to AIDS and devastating violence.

Young people and their families living in impoverished and often dangerous neighborhoods often cannot find their way to the fragmented, confusing and chronically underfunded services in their communities. Those communities, which contain the highest proportions of at-risk youths, typically do not have the resources to forge partnerships between schools and local service providers to meet the needs of such youths. Cities, counties and states can provide strong and effective leadership in promoting the development of such partnerships on a larger scale if the resources are available. These initiatives can and must play a vital role in preventing the serious health, education and other problems that now threaten millions of young Americans and promoting the full development of our next generation of citizens, workers, and parents.

The Comprehensive Services for Youth Act of 1992 would address these challenges through a series of targeted grants to local partnerships between schools and local service providers. In addition, it would provide funding to community- or county-wide consortia and states seeking to promote the delivery of comprehensive education, health, and social services to at-risk youths and their families. As you know, initiatives that build linkages between schools and essential health and social services enjoy broad, bipartisan support, as reflected most recently in the recommendations of the Steelman Commission (Advisory Council on Social Security).

We are pleased that the proposed legislation would give local communities, school boards and states great flexibility in designing systems of integrated services that they believe will meet the most urgent education, health and other needs of their own young people who are at unusually high risk. In this manner, the legislation would provide a strong and essential impetus to emerging state and local efforts to meet the long-neglected needs of America's adolescents and young adults.

CDF looks forward to working closely with the Committee in the months ahead to secure enactment of this important legislation.

Sincerely,

MARIAN WRIGHT EDELMAN,
*President.*

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COUNCIL OF CHIEF
STATE SCHOOL OFFICERS,
*Washington, DC, July 22, 1992.*

Senator TED KENNEDY,
*Chairman, Committee on Labor and Human Resources, Hart Senate Office Building, Washington, DC.*

DEAR CHAIRMAN KENNEDY: Many thanks for consulting us on the development of the Comprehensive Services for Youth Act of 1992. We commend your strong advocacy of federal support for coordination of comprehensive education, health and social services to at-risk youth in their local communities, through school-based or school-linked centers.

We concur that one of the most effective means to extend essential health and human services to youth and families with greatest needs is by co-locating such services in or near schools on a year-round, extended-day basis. This year, our Council's top priority issue is collaboration among the education, health, and social service systems. We are committed to build on existing local and state service networks to achieve more effective and efficient results.

We look forward to continuing work with you and your staff to develop and advance federal legislation which will strengthen collaborative delivery systems.

Sincerely,

GORDON M. AMBACK,
*Executive Director.*

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AMERICAN ACADEMY OF PEDIATRICS,
*Washington, DC, July 22, 1992.*

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of the 43,000 pediatricians who comprise the American Academy of Pediatrics, I am pleased to offer our endorsement for the "Comprehensive Services for Youth Act of 1992."

The importance of investing in the health of the next generation has become not just an act of compassion, but an economic necessity. Ideally, every child in America should have a physician or physicians who serve as the primary source of health care, a concept we call a "medical home." The home provides a broad range of comprehensive preventive and treatment services on a continuing basis. The Academy realizes that such idealistic medical care for children is not available in many communities across the country. Where these sources of care are not available options, school-linked services can serve as an alternate source of care for children ages 6–18. Under no circumstances should school-linked services be considered a substitute for continuous comprehensive care. The Academy is particularly pleased that the Federal Council on Children, Youth, and Families has a pediatrician representative who can share our unique knowledge of child health care.

Ensuring proper health care for our children is crucial to our nation's future. The Carnegie Institute reported that 70 percent of teachers had students whose education was adversely impacted by poor health or nutrition. The Academy believes that the Comprehensive Services for Youth Act of 1992 takes an important step toward meeting the needs of our nation's school children.

The Academy looks forward to working with you and your staff as this legislation moves forward.

Sincerely,

DANIEL W. SHEA, M.D.,
*President.*

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THE NATIONAL PTA,
*Chicago, IL, July 20, 1992.*

Hon. EDWARD M. KENNEDY,
*Chairman, Senate Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: The National PTA, an organization comprising over 7 million parents, teachers and other child advocates, heartily supports the concept of the Comprehensive Youth Services Act of 1992. A major priority of the National PTA's Legislative Program is to support "legislation that assists states and localities to develop and fund comprehensive health care programs, including school-linked health clinics, and provide equitable access to quality, affordable health care for all children, youth and pregnant women, and that all federally funded school-linked health care clinics have parental representation on all advisory committees." In addition, the National PTA "supports efforts that encourage collaboration among child-serving agencies and coordination of services designed to meet the needs of children and youth."

These priorities are matched to various sections of the bill which is highly compatible with National PTA stands including such provisions as:

I. Section 101(b)(2): The focus on broad based community partnership including youth and parents in the development of child-serving collaboratives. Throughout the bill, parents and students are included in the planning and we highly support that inclusion;

II. Section 101(C)(d): A priority that includes not only the student, but also outreach to the families. We would encourage the involvement of families as much as is possible, in both the planning and in service delivery;

III. Section 101(3): When determining the Contents of the Plan, families should be included to the extent possible and practicable, but not to the exclusion of services for the student;

IV. Section 101(4)(f): We support the effort toward equitable geographic distribution, especially with focus on both urban and rural with high risk youth:

V. Section 101(4)(2): Related to in-kind non-Federal share, specify parent and community non-paid volunteer involvement;

VI. Section 101(a): The US Department of Education and state departments of education need to play a more substantive role in planning for, reviewing and granting rewards. If we are aiming for partnerships at the local level, let's require that partnership at the state and federal levels as well. In addition, it's the departments of education that have direct access to the public schools;

VII. Section 102, Subtitle C, paragraph C (ii): We support all of the youth development and life planning areas. They are all consistent with National PTA Health and Welfare priorities and programs;

VIII. Section 102, Subtitle C, (4)(2): We support the Administrative cap of 5%;

IX. Section 302: We encourage a stronger formal relationship between HHS and ED in an effort to more efficiently coordinate activities, but also to require that ED take more ownership for developmental services. This would be a great time to discuss the reorganization of ED along child service and school improvement lines, rather than along program category lines;

X. Title IV, Section 401: This area seems to be focused more on older youth, ages 10–21 as defined by the Bill. Programs for "youth" should be balanced with those programs for "children", ages 5–10 as defined by the Bill. Focus on the preventative and early risk behaviors should be identified and served. We would hope that elementary and middle schools would be encouraged by this Bill to plan for comprehensive school-linked health services as well as the high schools.

Once again, the National PTA commends Senator Kennedy and other members of the Senate Labor and Human Resources Committee for their commitment to this legislation.

Sincerely,

ARLENE ZIELKE,
*Vice President for Legislative Activity.*

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NATIONAL COMMISSION ON ACQUIRED
IMMUNE DEFICIENCY SYNDROME,
*Washington, DC, July 27, 1992.*

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Labor & Human Resources, U.S. Senate, Washington, DC*

DEAR MR. CHAIRMAN: On behalf of all the members of the National Commission on Acquired Immune Deficiency Syndrome (AIDS), we want to express support for the principles and objectives of the Comprehensive Services for Youth Act of 1992.

As you know, the National Commission on AIDS has closely examined issues relating to the HIV epidemic among adolescents. Clearly, HIV disease is a serious threat to our nation's young people. The number of teenagers with AIDS almost doubles each year and an estimated 75,000 teenagers are now infected with HIV. Over 20 percent of all reported AIDS cases are among individuals in their teens and twenties, most of whom were infected during adolescence. The majority of these cases are among In orities. What makes these numbers particularly tragic is that there is so much we can do to stem the tide of HIV infection through aggressive prevention efforts and so much more we must do to provide health and support services necessary to cope with this terrible illness.

To intervene effectively in the spread of HIV, it is essential to consider the broader social context of the HIV epidemic, for it involves not only individuals at risk, but also families, cultural and social groups, neighborhoods, and communities at risk of multiple problems, such as poverty, alcohol and drug use, violence, unemployment, and lack of access to health care. Often unable to meet even their basic needs, many youth deny or discount the risk of getting caught in the path of the AIDS virus. A new and committed partnership between these young people and their communities can lead to greater hope, greater dreams, and greater success.

During a recent site visit by the Commission to the G.W. Carver School Based Health Clinic in New Orleans, Louisiana, we were able to witness first-hand the unique effectiveness of a school-based comprehensive health and social services center designed to serve adolescents. An excellent corps of doctors, nurses, and counselors provide health and support services to over one thousand youths, helping them to deal with an array of challenges, including AIDS, drug use, teen pregnancy, suicide, and violence.

The Comprehensive Services for Youth Act of 1992 will provide the essential resources necessary for neighborhoods, cities, and states to offer and sustain the services needed to ensure that every young person in America has the ability, the self-esteem, and the opportunity to contribute fully to our society. The Act will foster coordination and collaboration among educators, health care providers, and community based organizations through the development and operation of city-wide and state-wide youth service center systems. We are extremely pleased that a bipartisan commitment has been made to enact this bill and look forward to the passage and funding of comprehensive youth services legislation by the Congress.

Sincerely,

*David E. Rogers, M.D.,*
*5Vice Chairman.*

JUNE E. OSBORN, M.D.,
*Chairman.*

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AMERICAN NURSES ASSOCIATION,
*Washington, DC, July 23, 1992.*

Senator EDWARD M. KENNEDY,
*Chairman, Senate Labor and Human Resources Committee, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: The American Nurses Association (ANA) is pleased to endorse your proposed legislation, "The Comprehensive Services for Youth Act of 1992". We look forward to its introduction next week. Please feel free to quote us or list us as an endorser in any way you choose.

The context for our analysis of the proposed legislation is Nursing's Agenda for Health Care Reform. We are pleased that the bill, throughout, utilizes the term "health care provider" rather than "physician". As you know, we firmly believe that consumers need to have unrestricted access to alternative health care providers, such as advanced practice nurses. We believe that the services provided by nurses are necessary in order to address the very complex and diverse needs of children and adolescents, as well as the needs of their families.

ANA shares the bill's commitment to coordinate and make more comprehensive the current patchwork quilt of social services, education and health services for youth. We fully agree with the bill's emphasis on basing health (and social) services within the community, where most of the public's health needs are. We believe that community-based services will more suitably address health promotion and disease prevention, as well as provide better access for disease diagnosis and treatment.

ANA agrees with the bill's express intent of targeting those communities most at risk of poor social and health outcomes—communities with high rates of poverty, teen pregnancy, drug use, violence, school drop outs and juvenile justice involvement. We fully agree with the bill's focus on the school as the location for much integration of services to take place. The idea of school-based health services has been fully fleshed out in a 1992 publication of the American Nurses Association, Expanding School Health Services to Serve Families in the 21st Century. Within this new publication, we have proposed a provider role shift that empowers consumers by increasing ownership of their own health care and the exchange of information with professionals. Also within the publication is a plan to prepare consumers to become their own case managers.

ANA is pleased that the bill proposes significant funding for special projects of national significance. We believe that these resources will be used to provide start up funds for innovative projects designed by nurses who want to establish new models for school and community-based health care.

The ANA is deeply committed to improving the health, social service and educational systems of care available to youth, and we look forward to working with you and your staff to get the bill enacted.

Sincerely,

VIRGINIA TROTTER BETTS, J.D., R.N.,
*President.*

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AMERICAN SCHOOL HEALTH ASSOCIATION,
*Kent, OH, July 16, 1992.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: I am writing on behalf of the 3,700 teachers, health educators, nurses, and physicians who are members of the American School Health Association (ASHA) to offer support and endorsement of the Comprehensive Youth Services Act of 1992. The mission of the American School Health Association is to protect and improve the health of school-age children and youth by supporting the implementation of compressive health programs in our nation's schools.

The U.S. Congress must support ASHA's members as they work on a day to day basis with our children and youth. We must make it a goal that all children do indeed enter school on a daily basis healthy and ready to learn. Schools must provide quality health education programs, physical education programs, food service programs, health service programs, and healthy, positive environments. The Comprehensive Youth Services Act of 1992 takes us one step closer to this goal.

Please feel free to call upon us should you need additional information or technical assistance. Our members stand ready to assist you and your colleagues in your efforts to address the health and educational needs of our school age population.

Sincerely,

DANA A. DAVIS,
*Executive Director.*

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THE SOCIETY FOR ADOLESCENT MEDICINE,
*Bronx, NY, July 22, 1992.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: The Society for Adolescent Medicine expresses its support for the Comprehensive Services for Youth Act of 1992 that you will introduce into Congress. This legislation is an important first step in providing comprehensive, confidential health care for a vulnerable and often overlooked segment of our population. We believe that this bill will encourage the development of local, city, county, and state service coalitions for adolescent health.

In the most recent report on adolescent health presented to the United States Congress by the Office on Technology Assessment, it was estimated that one in five adolescents suffers at least one serious chronic disease or disability, such as asthma, heart disease, hearing loss, or vision impairment. As already observed in the adult population life style issues impact on the health of adolescents resulting in major public health problems such as unintentional injury, homicide, pregnancy, sexually transmitted diseases, and substance abuse. AIDS has become the sixth leading cause of death for U.S. adolescents and young adults between the ages of 15 and 24; and there is evidence, through serologic studies of HIV, that it will remain in this position in the future.

The Society for Adolescent Medicine supports a more comprehensive national health insurance reform to fully extend access to all adolescents. The goals of adolescent health care are to provide complete and thorough physical and psychosocial evaluation and treatment in an atmosphere of trust and confidentiality. Adolescents see office-based physicians less often than any other age group and are more likely to seek care in a range of alternative settings operated by a wide array of health professionals. Inadequate payment for services limits the private practitioners' availability of professional time and is an important barrier to comprehensive care for adolescents. Alternative care options for adolescents in the public sector and through university teaching centers, school-based clinics, and nonprofit programs have provided innovative approaches for this hard-to-reach population. The proposed legislation has the potential to enhance community-based public programs and the networking of public and private programs for adolescents.

There are seven criteria that the Society for Adolescent Medicine recommends to assure access to health care for adolescents:

1. Availability: Age-appropriate services and trained health-care providers must be present in all communities.

2. Visibility: Health services for adolescents must be recognizable, convenient, and

should not require extensive or complex planning by adolescents or their parents.

3. Quality: A basic level of service must be provided to all youth, and adolescents should be satisfied with the care they receive.

4. Confidentiality: Adolescents should be encouraged to involve their families in health decisions, but confidentiality must be assured.

5. Affordability: Public and private insurance programs must provide adolescents with both preventive and other services designed to promote health behaviors and decrease morbidity and mortality.

6. Flexibility: Services, providers, and delivery sites must consider the cultural, ethnic, and social diversity among adolescents.

7. Coordination: Service providers must ensure that comprehensive services are available to adolescents.

In addition, we believe communities have a responsibility to ensure that the following health and other services are available to their youth, either on-site in comprehensive programs, or through closely coordinated referral networks:

Preventive health services;

AIDS education and general health education and nutrition education;

X-Rays, laboratory, and pharmacy services;

Mental health counseling, drug and alcohol abuse prevention and treatment services, and social work services;

STD treatment, pregnancy testing, family planning, contraceptive supplies, and HIV testing; and

Transportation services.

It has been our distinct pleasure to work with you and in drafting this legislation. We certainly hope that our input was beneficial to the concepts put forth as a first effort in securing appropriate health care services for a critical segment of our population: future families, leaders, and workers of our nation. We look forward to working more closely with you as the legislation progresses.

Sincerely,

KAREN K. HEIN, M.D.,
*President.*

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AMERICAN ASSOCIATION
OF SCHOOL ADMINISTRATORS,
*Arlington, VA, July 22, 1992.*

Hon. EDWARD M. KENNEDY,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR KENNEDY: The American Association of School Administrators, AASA, would like to express our strong support for your proposed legislation, the "Comprehensive Services for Youth Act of 1992". Collaborating on services for young people at school sites or linked to schools holds the promise of dramatically improving services for disadvantaged children by improving access to services and cutting red tape between agencies. Comprehensive services for young people are the highest priorities in the 1992 AASA legislative agenda.

The current recession has forced disastrous competition between social services, health, and education to the detriment of children. Your proposal for comprehensive services will not only be more effective but will be more cost effective, thereby reducing competition between equally important services while actually extending services to more young people.

The Comprehensive Services for Youth Act of 1992 is a terrific beginning to an important dialogue between the fragmented, jumble of agencies serving young people. The tangle of federal, state and local laws, regulations and professional practices must be streamlined and made sensible from the student's perspective. AASA will be proud to help in every way possible as you strive to accomplish that end.

Sincerely,

BRUCE HUNTER,
*Senior Associate Executive Director.*

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THE CENTER FOR POPULATION OPTIONS,
*Washington, DC, July 23, 1992.*

Senator EDWARD M. KENNEDY,
*Chairman, Senate Committee on Labor and Human Resources, Washington, DC.*

DEAR SENATOR KENNEDY: The Center for Population Options is a non-profit educational organization dedicated to improving the quality of life for adolescents by preventing unintended teenage pregnancy and too early childbearing. We enthusiastically endorse the Comprehensive Services for Youth Act of 1992 and its intent to improve adolescents' access to quality health care and social services.

Many adolescents cannot perceive the risks and future consequences of their own actions, and their behavior often involves multiple risks to their health and educational success. Seventy-seven percent of female and 86 percent of male adolescents have engaged in sexual intercourse by age 20, and only about one third of them use condoms more often than other contraceptives. The risk taking behavior of adolescents has resulted in over 1,000,000 pregnancies per year, 140 cases of AIDS in adolescent women, and accidents as the number one cause of death among this age group. Many behaviors, such as smoking and other drug abuse, initiated during the adolescent period can also enhance the effects of chronic diseases later in the life course.

An effective response to the problems of adolescent risk-taking behavior requires comprehensive health services, including education, as well as collaboration among public and private agencies, non-profit organizations, educators, parents and children themselves. The adolescent population has unique health care needs, and school related health centers have demonstrated that both the physical and emotional health of adolescents can be enhanced when addressed in the school setting.

With so many youth lacking health insurance and access to primary care, many of them receive care only in emergency rooms and public clinics, usually too late for preventive action. The public school represents an ideal location for the delivery of services which are otherwise inaccessible or unavailable to school-aged youth. Barriers to access for children include cost, transportation, embarrassment, scheduling and staff attitudes.

Clinical services and personnel located on or near school campuses and targeting youth can more effectively encourage young people to seek primary care and prevent unnecessary morbidity.

Locating services on or near the school site represents an extremely promising strategy for delivering primary and preventive health care to an underserved and at risk adolescent population. The model is already working in over three hundred school-based clinics (SBCs) currently serving school-aged youth across the nation. Attached is a partial listing of organizations that support SBCs.

Most SBCs provide a wide range of medical and non-medical services, including general primary care, physical examinations, routine laboratory tests, immunizations, education and counselling, and referrals. Nearly 40 percent of all clinic users are completely uninsured, and therefore have limited access to other sources of primary health care. Three quarters of SBCs are sponsored by community health clinics, public health departments, hospitals or medical schools.

The Support Center for School-Based Clinics, a project of the Center for Population Options, is a national resource for current and emerging school-based and school-linked clinic programs. In addition to resource, program and policy development, the Support Center routinely collects a variety of information from school related health centers nationwide and disseminates it to professionals developing local programs. Our experience demonstrates clearly that comprehensive school-based programs make a difference in the lives of adolescents.

The Center for Population Options fully endorses public support for school based health services as a mechanism for improving the quality of life for America's youth. We congratulate you on the introduction of legislation that will make it possible for many more adolescents to have access to comprehensive health and other services.

Sincerely,

MARGARET P. CLARK,
Ph.D.,
*Executive Director.*
PAMELA HAUGHTON-
DENNISTON,
*Director, Public Affairs.*

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NATIONAL COLLABORATION FOR YOUTH,
*Washington, DC, July 24, 1992.*

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Washington, DC.*

DEAR MR. CHAIRMAN: The National Collaboration for Youth (NCY) enthusiastically endorses the concepts embodied in the Comprehensive Services for Youth Act of 1992.

NCY is composed of fifteen of our nation's largest youth-serving agencies and is an affinity group of the National Assembly of National Voluntary Health and Social Welfare Organizations. NCY groups serve more than 30 million young people each year in a wide range of successful youth development programs.

We are all too well aware of the many young people in this country who are vulnerable, who are victims, who need special attention. The Comprehensive Services for youth Act provides attention in an accessible, coordinated manner which can effectively assure that local attention is paid to the nationwide needs of at-risk children. We especially commend your emphasis on youth development services and the required inclusion of community-based youth serving organizations in local community partnerships.

The National Collaboration for Youth supports the Comprehensive Services for Youth Act of 1992 and looks forward to working with you to achieve its passage.

Sincerely,

GORDON A. RALEY,
*Executive Director.*

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NATIONAL MINORITY AIDS COUNCIL,
*Washington, DC, July 27, 1992.*

Hon. EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Washington, DC.*

DEAR SENATOR KENNEDY: On behalf of the staff, board of directors, and member organizations of the National Minority AIDS Council, I write in support of the objectives expressed in the Comprehensive Youth Services Act of 1992.

The role of the National Minority AIDS Council (NMAC) is to develop leadership within communities of color to address issues of HIV infection. The comprehensive nature of this bill upholds the goal as it provides supportive measures to assist communities in helping teens combat those health and social ills that plague them at an alarming rate; HIV infection being among them.

HIV disease does not, however, exist in a vacuum. Many at risk for infection are also participating in behavior that places them at risk for traditionally identified sexually transmitted diseases, unintended pregnancy, substance abuse, drug related violence, and suicide; many of which are at epidemic proportions within communities of color. All of these issues play an enormous role in the high drop out rates of high school students, making implementation of programs that support community efforts to reverse these trends critical. We at the National Minority AIDS Council support passage of the Comprehensive Youth Services Act and look forward to working with you to secure implementation of this bill.

Respectfully,

PAUL AKIO KAWATA,
*Executive Director.*

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NATIONAL MENTAL HEALTH ASSOCIATION,
*Alexandria, VA, July 22, 1992.*

Hon. EDWARD KENNEDY,
*Chairman, Senate Labor and Human Resources Committee, Washington, DC.*

DEAR MR. CHAIRMAN: We, the undersigned national membership organizations of the National Prevention Coalition, strongly support the Comprehensive Services for Youth bill. We commend you on your leadership in the area of prevention.

By providing focused assistance and attention to vulnerable groups, the services outlined in this bill seek to provide the "edge" needed to maintain mental health and avoid mental health problems. For youth, this means preventing entry into special education, juvenile justice, or foster care.

This bill comes at a time when children need it the most. We ask for timely consideration of this initiative in committee, and look forward to full Senate action this session.

Sincerely,

National Mental Health Association, American Academy of Child and Adolescent Psychiatry, American Counseling Association, American Association for Marriage and Family Therapy, American Orthopsychiatric Association, American Psychiatric Association, American Psychological Association, American Psychological Society, Child Welfare League of America, National Association of Prevention Professionals and Advocates, National Association of School Psychologists, National Association of State Mental Health Program Directors, National Parent Teachers Association.

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AMERICAN COLLEGE OF PREVENTIVE MEDICINE,
*Washington, DC, July 23, 1992.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: The American College of Preventive Medicine (ACPM) is pleased to endorse the Comprehensive Youth Services Act of 1992. This proposal provides for the direction of resources to address many health problems of adolescents that currently take a heavy toll. It recognizes that a multidisciplinary approach to these problems is essential, and that local health and public health professionals have much to contribute to the planning and design of programs for at-risk adolescents.

The Comprehensive Youth Services Act provides for services to address the two major categories of preventable health problems of adolescents: injuries and violence that kill or disable many before they reach adulthood; and emerging lifestyles, such as use of alcohol and drugs, that affect their health as adults. ACPM recommends that comprehensive adolescent health services also explicitly address tobacco use, which is not now mentioned in the bill. The bill also provides for programs and services to prevent problems associated with sexual activity, HIV and other sexually transmitted diseases and unintended pregnancy. The Act is consistent with the *Health People 2000* objectives, and recognizes that comprehensive programs are needed to provide positive alternatives to youth, particularly those in high-risk environments.

ACPM is the national medical specialty society of physicians whose primary interest and expertise are in disease prevention and health promotion. Specialists in preventive medicine are uniquely trained in both clinical medicine and public health. ACPM members work in public health and community agencies, in primary care settings, in industry and in academia. The ACPM membership is a major national resource, providing expertise and leadership essential to protecting and improving the nation's health.

ACPM appreciates your continuing leadership in prevention and public health, and is pleased to support this important legislation.

Sincerely,

SUZANNE DANDOY, MD., MPH,
*President.*

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AMERICAN COLLEGE OF PHYSICIANS,
*Philadelphia, PA, July 27, 1992.*

Senator EDWARD KENNEDY,
*Chairman, Senate Labor and Human Resources Committee, Senate Dirksen, Washington, DC.*

DEAR SENATOR KENNEDY: The American College of Physicians (ACP), the largest medical specialty society, representing over 77,000 physicians practicing internal medicine and its subspecialties, is pleased to endorse the Comprehensive Services for Youth Act of 1992.

The ACP is a strong advocate for adolescent health care. The College has provided continuing medical education programs on adolescent health at its Annual Sessions and has published a position paper, titled "Health Care Needs of the Adolescent," in the 1989, Annals of Internal Medicine. The paper highlights the underserved medical needs of adolescents. All adolescents, including those who may not find their way into the physician's office because of poverty, lack of health insurance or other reasons, need comprehensive, quality health care. Schools and community based health services can play an important role in ensuring, with primary care physicians, that adolescents receive appropriate health care services.

Our position paper also states that adolescent medicine should become a greater component of medical education and primary care residency training programs. This should include such topics as general comprehensive medical care, counseling, health promotion, substance abuse, eating disorders, sexuality, contraception, sexually transmitted diseases, pregnancy, learning disorders and medical-legal issues related to the health care of minors.

The ACP agrees with the goal of this Act that health promotion and disease prevention should be a major focus of adolescent health care, since life-style choices and health habits present in adolescence can shape behaviors and health status in adulthood. The internist can play a particularly important role in the health care-related decisions made by adolescents by providing counseling and other interventions regarding the wide range of health issues faced by adolescents.

Preventive health care requires education and counseling focused on several major areas of substantial risk. The College supports provisions in this bill which would have local needs assessments determine programs and services to prevent HIV, alcohol and drug use, unintended pregnancy, suicide and school termination. Screening for high risk factors is not difficult and the benefits from early detection and prevention measures may be significant in later file.

School-related clinics, initially established in or near schools to deal with teen pregnancy and related problems, have gradually evolved and now provide a wide range of other health services. These school-based clinics and programs, with the participation of physicians, local community partnerships, community based organizations, and other health care professionals, can help meet some of the health care needs of adolescents by providing health services and education.

The ACP believes that integration of preventive health measures and counseling into medical care can uncover immediate health risk, as well as help the adolescent begin to develop positive long lasting health habits.

The ACP commends you on your effort to address adolescent health care and we are committed to working with your staff and interested organizations to identify issues and to provide leadership in practice, education and research in adolescent health care.

Sincerely,

H. DENMAN SCOTT, MD, MPH, FACP,
*Health and Public Policy.*

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THE AMERICAN DIETETIC ASSOCIATION,
*July 23, 1992.*

Senator EDWARD M. KENNEDY,
*Chairman, Committee on Labor and Human Resources, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: As a member of the American Medical Association (AMA) National Adolescent Health Coalition, The American Dietetic Association (ADA) supports the Comprehensive Youth Services Act of 1992, provided nutrition services were included, as described in this letter. ADA appreciates the work the Committee has done to bring forth the bill.

The ADA, the nation's largest group of nutrition professionals, believes nutrition services should be included in the bill. Good nutritional status ensures that a child has a greater chance of remaining healthy and, therefore, reaching his or her physical and intellectual potential. The cost of health care for the nation is now 12% of the gross national product. Provision of appropriate nutrition services, including screening and assessment, nutrition counseling and nutrition support by registered dietitians and other qualified health care providers can change these statistics.

On page 4 of the discussion draft, under (B) Health Promotion and Life Planning, we recommend the addition of a fourth section: (iv) provide preventive health services which include nutrition services. On page 5 of the draft bill, under (C) Comprehensive Health, Mental Health and Social Services, under (i) health screening, we recommend to include nutrition screening as a component of health screening.

ADA thanks you and the Committee for the opportunity to provide comment on this bill.

Sincerely,

JUDITH L. DODD, MS, RD.,
*President.*

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NATIONAL ASSOCIATION OF COMMUNITY HEALTH CENTERS, INC.,
*Washington, DC, July 27, 1992.*

Senator EDWARD KENNEDY,
*Chairman, Senate Labor and Human Resources Committee, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: Our Association is pleased to support the Comprehensive Services for Youth Act of 1992 which would target funds to communities whose youth are endangered by unemployment, poverty, HIV/AIDS, malnutrition, violence, unwanted pregnancies, mental health problems, and substance abuse.

We are particularly supportive of Title I of the Act which would establish school-based and school-linked health and social services needed to improve youth school performance and overall health and well-being. In fact, we would recommend that an even greater percentage of the funding in the bill be allocated to Title I than proposed because of its emphasis on direct services.

We are proud of those community and migrant health centers currently involved in providing school-based and school-linked services in elementary and secondary schools with resources which they have been able to locate from a variety of sources. We note that some centers also provide special services to pregnant adolescents, including home visiting services. In fact, in a recent survey of centers, teen pregnancy ranked as the most pressing health issue faced by communities centers serve.

But we regret that while some centers have been able to launch preventive and primary health service programs specifically targeted to high risk children and adolescents, most centers simply have not been able to locate the additional resources needed to initiate such special efforts.

Youth utilization of school-based health services administered by centers in general has been very good and the majority of the programs have been well accepted by youth and community as well. We regret that Dr. Aaron Shirley, Executive Director of the Jackson Hinds Health Center in Jackson, Mississippi will be unable to testify before the committee on the very positive experience his community health center has had providing school-based health care for over ten years in Jackson high schools.

We do have several concerns about some of the language in the Act as currently drafted. We encourage the broadest possible applicant eligibility for Titles I and II of the Act. In general, we do not believe that it is the best idea to funnel funds for the types of activities included in this Act exclusively through state or local government or elaborate consortia because of the length of time these vehicles often require to launch actual services and the tendency to "system build" rather than provide care.

We certainly wholeheartedly endorse the concept of applicants working closely with other local and state partners, but we believe that applicant eligibility should be open to any nonprofit public or private provider with prior successful experience serving school-age populations that can demonstrate adequate coordinative arrangements and community support.

We believe that the attention provided in this Act to distressed youth in our low income communities is long overdue. Our Association looks forward to working with health centers in our local communities to provide linked health and education services for high risk youth.

Sincerely,

TOM VAN COVERDEN,
*Executive Director.*

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AIDS ACTION,
*Washington, DC, July 24, 1992.*

Hon. EDWARD KENNEDY,
*Committee on Labor and Human Resources, Hart Senate Office Building, Washington, DC.*

DEAR SENATOR KENNEDY: AIDS Action Council would like to commend you on your leadership in introducing the "Comprehensive Services for Youth Act of 1992." AAC represents over 800 community-based organizations who understand the need for this legislation.

As you well know, adolescents are finding it more and more difficult to achieve the traditional goals set for them such as high school graduation and good health. Poverty, high crime rates, drug and alcohol use, and sexually transmitted disease are only some of the influences that are all too dominant in their lives. Prevention messages about HIV infection and the hazards of drug use clearly do not reach them. And they are not receiving appropriate social and health services. Too often at-risk teens fall into the health care and social services gap where they cannot access federally sponsored care.

Some communities, however, have attempted to fill this gap. In model, schoolbased clinics teens can access a comprehensive array of services from job conseling/training to health screening. Effective education and prevention messages are delivered with the adolescents' culture and generation in mind. Considerable evidence shows that these clinics improve the overall health of the students they serve.

This legislation will facilitate the implementation of this model across the country in both rural and urban areas. Most importantly, this bill will allow state and local entities to address the multidimensional needs of students in and out of school.

Sincerely,

DANIEL T. BROSS,
*Executive Director.*

Mr. KOHL. Mr. President, I want to commend our colleague from Massachusetts for his outstanding leadership in developing the Comprehensive Services for Youth Act of 1992. And I am pleased to be a cosponsor of this legislation.

Our programs all too often treat the problems of the young in a piecemeal and fragmented manner. But the problems of our children do not exist in isolation. To design separate, categorical programs for poverty, drug use, gang membership, school failure, STD prevention, teen pregnancy, and suicide is to ignore the fact that these challenges to our young people are essentially interconnected. Today's pregnant teen may be tomorrow's dropout, and today's drug user may be tomorrow's gang member. One of the greatest strengths of the Comprehensive Services for Youth Act of 1992 is its emphasis on fostering community-based coordination. By breaking down the walls between schools, community outreach programs, and health care providers, and by allowing those groups to develop an integrated treatment strategy, the bill provides a coherent approach to children's problems. It treats troubled children not as amalgams of their troubles, but as whole human beings.

In addition, it emphasizes the need to prevent crises among our young before they happen. If a parent saw his or her child walking into a busy intersection, that parent wouldn't wait for the accident to happen, and then come running with a Band-aid. And yet, government tends to wait and to react after the injury is acute—and expensive to heal. By targeting communities where children are most likely to face problems, the Comprehensive Services for Youth Act helps teach at-risk children the skills they will need to avoid the dangers of the street.

I appreciate the willingness of the chairman to continue working toward a family-oriented model for serving the young children. By encouraging community partnerships to reach out to families, I think we can offer the strongest support to the child—a safe and secure environment in which to grow.

This is being well demonstrated by the Families and Schools Together [FAST] Program, developed in Wisconsin and now operating in several States. FAST builds those partnerships between schools, nonprofit mental health services, education and assessment agencies for substance abuse, and families. Under Wisconsin statute, at-risk children are identified by the schools, and in some areas, referred to FAST programs. The FAST Program serves as more than a safety net, it serves as a holistic healer—of the child, the family and the community around that family. It recognizes the best of what our social research has to offer: First, that stress and isolation combined are deadly invitations to abuse and neglect. Second, it recognizes that especially the younger children cannot be treated and healed successfully in isolation of their family. FAST links the community to the family and the family to the child. The child becomes the center of the service universe, but is not pulled out of that center into the outer fringes of the child advocacy and social service delivery systems. The parent is constant. The school is constant. Extended family and community are constant—working partners in reducing risk by strengthening the par-

ent-child relationship through comprehensive and integrated service delivery.

I believe this legislation holds great promise for breaking down the barriers to intervening in the lives of at-risk youth and children. It does so by fostering change in the communities, and using our Federal dollars creatively to reward comprehensive, integrated service delivery. It offers significant change and significant hope. I look forward to working with my colleagues to enact those changes and make that hope reality.

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By Mrs. KASSEBAUM:

S. 3089. A bill to provide relief for public agencies from liability under the Fair Labor Standards Act of 1938 for failure to pay exempt employees on a salary basis, and for other purposes; to the Committee on Labor and Human Resources.

EXEMPTION FROM REQUIREMENTS OF FAIR LABOR STANDARDS ACT

Mrs. KASSEBAUM. Mr. President, I rise today to call attention to a matter of grave concern to State and local governments. Presently, hundreds of State and local governments are at risk of paying huge monetary damages for overtime wages—all to high-level employees that no one ever dreamed were covered by our Federal wage-and-hour laws.

Critical problems now loom for State and local governments as a result of the Ninth Circuit Appeals Court ruling in Abshire versus County of Kern. That decision opened up the floodgate for potential windfall recoveries against State and local governments by large numbers of their otherwise exempt white collar employees.

Department of Labor regulations provide generally that employees who are paid on a salary basis, with earnings over a specified amount, are exempt from the overtime requirements of the Fair Labor Standards Act. To be exempt under the salary basis test, an employee's weekly salary cannot be reduced for time away from work of less than 1 day.

However, few public employers compensate their salaried employees in a way that meets the requirements to qualify for the exemption. As public bodies, they must account for all taxpayers' dollars spent. Hence, most government payroll systems commonly prohibit paying employees for time not spent on-the-job. Instead, professional employees in the public sector may have their pay docked for all absences of less than a day which are not covered by paid leave.

Under Abshire, such accounting procedures are enough to eliminate the exemption for salaried government employees. This means that all upper-management personnel, the top-level brass, are now entitled to recover up to one and one-half times their regular rate of pay for all overtime hours worked in the past 2 years. This is true even though these employees never actually suffered any deductions from their pay.

This single court case has placed State and local governments in a very difficult position. If they provide the accountability to which the public is entitled, they expose themselves to risk of liability for millions of dollars at a time when they can least afford to do so.

Certainly, State and local tax dollars would be more wisely spent on employing more teachers or policemen, for example, rather than increasing the income of high-level public officials who never expected this windfall. Indeed, we are not talking about taking away overtime pay from rank-and-file hourly employees, but restricting overtime pay for administrative, executive, and professional public employees.

Like a number of other States, Kansas is currently involved in litigation seeking to assert Abshire claims. The payment of such unforeseen liabilities, not including the years of expensive litigation contesting these claims, seriously threatens the fiscal integrity of State and local treasuries. In this time of extreme budgetary pressure, State and local governments simply cannot afford this waste of their precious public resources.

My distinguished colleague from California, Senator SEYMOUR, introduced a bill last August (S. 1670) designed to reduce the exposure of cities and States to costly lawsuits in the wake of the Abshire ruling. I support this legislation and commend the Senator from California for his leadership in calling attention to this serious problem.

In response to these growing cries for help, the Department of Labor issued regulations in September to modify its overtime rules in order to allow States and local jurisdictions to continue public accountability pay systems without incurring overtime liability to upper-level managers. The rules also provide a mechanism to deal with the issue of past liability for inadvertent reductions in employees' pay.

I was initially encouraged by this response and urged the Department to finalize the regulations as quickly as possible. However, the Department has yet to issue a final ruling, and it appears that any ruling now issued will not provide for retroactive relief. It is somewhat ironic that the Washington Post reported yesterday on the Department's so-called lobbying strategy to resolve the retroactive overtime problem, notwithstanding the fact that the Department has yet to finalize the regulations.

Since September, other pay reduction practices have been found to remove employees from the scope of the overtime exemption, including the keeping of daily time sheets, the imposition of disciplinary action for unexcused absences, and the requirement that employees notify their supervisors when leaving the office. In the wake of these new rulings, it is clear that simply finalizing the Abshire regulations at this time will not solve the problem.

Therefore, I am introducing legislation today which provides that public employers will not be held liable for failing to pay otherwise exempt executive, administrative, or professional employees on a salary basis. The bill also prohibits any Federal or State court from enforcing liability on any existing claims for failure to pay overtime wages to otherwise exempt employees.

This legislation is modeled closely after the 1947 Portal-to-Portal Act. The Portal-to-Portal Act mandated the dismissal of numerous claims for failure to pay employees minimum or overtime wages pending in Federal court at the time of its enactment. The power of Congress to extinguish those claims on a retroactive basis has been uniformly upheld by the Courts.

Legislation introduced recently in the House would address the concerns of both public and private sector employers in this area. I recognize that similar problems have arisen in the private sector which may need to be addressed legislatively. However, I would urge my colleagues to act immediately on this bill because of the significant difficulties such liabilities now present for State and local governments.

Mr. President, I ask unanimous consent to have a copy of the bill printed in the RECORD.

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

S. 3089

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

**SECTION 1. CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY.**

(a) FINDINGS.—Congress finds that—

(1) since the enactment of the Fair Labor Standards Act of 1938, Congress and the Supreme Court have each periodically acknowledged the special circumstances of, and the different treatment to be accorded to, governmental employers and employees under such Act, as distinguished from employers and employees in the private sector;

(2) the Federal regulations governing exemptions from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938 for employees who are considered to be executive, administrative or professional generally require that such employees meet regulatory standards with respect to both their duties and their compensation;

(3) such regulations were adopted prior to the extension of coverage under the Fair Labor Standards Act of 1938 to public employees and, therefore, make no distinction between public and private employment;

(4) few public employers compensate employees in a manner that meets the salary

basis test for minimum wage and maximum hour exemptions under existing regulations;

(5) the application of such salary basis test to governmental employees has resulted in the denial of the minimum wage and maximum hour exemption to thousands of such employees who have traditionally been considered exempt by their employers;

(6) the denial of minimum wage and maximum hour exemptions has exposed several State and local employers to wholly unexpected liabilities, immense in amount and retroactive in operation;

(7) such exposure of governmental employers to potentially enormous and generally unexpected back wage liabilities could continue to seriously threaten the fiscal integrity of these State and local governments and could disrupt widespread pay practices which were designed and intended to serve the public interest; and

(8) the real and potential retroactive liability that may be imposed upon public agencies has given and will continue to give rise to great difficulties in the sound and orderly conduct of government by public entities.

(b) DECLARATION OF POLICY.—With respect to the application of the Fair Labor Standards Act of 1938 to public emloyers and employees, it is declared to be the policy of the Congress, in order to meet the existing emergency and to correct existing evils, to—

(1) relieve and protect the viability of public agencies from practices which burden and obstruct the employment relationship;

(2) preserve the integrity of governmental civil service or other personnel systems as defined by regulations, policies, practices, statutes, administrative or constitutional provisions applicable to public employees; and

(3) define and limit the jurisdiction of the courts.

**SEC. 2. RELIEF FOR PUBLIC AGENCIES FROM LIABILITY UNDER THE FAIR LABOR STANDARDS ACT OF 1938 FOR FAILURE TO PAY EXEMPT EMPLOYEE ON A SALARY BASIS.**

Notwithstanding any other provision of law, a public agency (as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x))) shall not be subject to any liability or punishment under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) because of the failure of the public agency to pay otherwise exempt executive, administrative or professional employees on a salary basis before, on, or after the date of enactment of this Act.

**SEC. 3. RELIEF FOR PUBLIC AGENCIES FROM CERTAIN EXISTING CLAIMS UNDER THE FAIR LABOR STANDARD ACT.**

(a) IN GENERAL.—A public agency (as defined in section 3(x) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(x))) may not be subject to any liability or punishment under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) because of the failure of the public agency to pay any otherwise exempt employee on a salary basis prior to the date of enactment of this Act.

(b) JURISDICTION OF COURTS.—No court of the United States, of any State, Territory or possession of the United States, or of the District of Columbia, shall have jurisdiction over any action or proceeding, whether instituted prior to, on, or after the date of enactment of this Act, to enforce liability or impose punishment for or on account of the failure of a public agency to pay otherwise exempt employees on a salary basis to the extent that such action or proceeding seeks to enforce any liability or impose any punishment with respect to an activity which was not compensable under subsection (a).

By Mr. GORTON (for himself, Mr. Craig, Mr. Nunn, Mr. BROWN, Mr. MCCAIN, Mr. DECONCINI, Mr. NICKLES, Mr. REID, Mr. MCCONNELL, Mr. WARNER, Mr. BOND, Mr. GRASSLEY, and Mr. SHELBY):

S. 3091. A bill to amend the Public Health Service Act to establish a program to fund maternity home expenses and improve programs for their collection and disclosure of adoption information, and for other purposes.

OMNIBUS ADOPTION ASSISTANCE AND MATERNAL HEALTH CERTIFICATES ACT

Mr. GORTON. Mr. President, today, with the bipartisan support of my distinguished colleagues, Senators CRAIG and NUNN, I am introducing the Omnibus Adoption Assistance and Maternal Health Certificates Act. This legislation is a melding of two earlier bills; the Adoption Assistance and Maternal Health Certificates Act, S. 1215; and the Omnibus Adoption Act, S. 1301. It also reflects bringing together of major adoption and family groups, such as the Family Research Council, the National Council for Adoption, and the Adoptive Families of America.

This bill will create a support network for those involved in the adoption process, decreasing the obstacles and increasing the attractiveness and viability of that alternative.

American society has taken a positive step forward in lessening the lifelong stigma that the now anachronistic term, illegitimacy, attached to the lives of mother and baby. Societal ostracism of the mother and child, even as the father escaped any significant rebuff, was unfair, unjust, and destructive.

But in lessening the unfair burden of the old stigma, sometimes a woman's option for adoption has been ignored—and that is regrettable and can be changed.

In the past, a woman or teenage girl facing an unwanted pregnancy has three difficult choices: an illegal, and too often dangerous and expensive abortion; the decision to keep and rear the child herself; or the placement of the baby for adoption.

But today that third option, adoption, has been diminished in stature as a viable, responsible choice for a single mother. The number of unrelated adoptions has decreased from 89,200 in 1970 to 51,000 in 1986, even as the number of births by unmarried teenage girls has exploded. Now, 25 percent of America's children are born into single parent homes.

Mr. President, for many women the effective number of choices available to an unmarried mother has been reduced from 3 to 2: to keep the baby or to terminate the pregnancy. Only 6 percent of all pregnant teens now choose adoption. Forty percent of pregnancy counselors do not even mention adoption as an option. But then neither of the two choices remaining for women with unwanted pregnancies—abortion and retention of the baby by the mother—may always be the best choices.

Sometimes adoption is the best alternative, with many benefits to compensate for the pain of making the choice to relinquish one's child. The mother who chooses adoption is statistically more likely to complete high school, less likely to live in poverty, and less likely to receive public assistance than if she were a single parent. Finally, the mother who makes an adoption plan for her child is more likely to delay marriage, more likely to be employed within a year after the birth, and more likely to have a significantly higher income than her counterpart who has chosen to keep her child.

Mr. President, the choice to relinquish one's baby for adoption is most frequently wrenchingly painful. But for many women that unselfish choice is the right decision. Women willing to pay that price ought not to be met with artificial barriers that prevent them from doing so. The legislation offered by Senator CRAIG, Senator NUNN and this Senator would lower those barriers for the birth mother.

The benefits of adoption do not stop with the mother. Those waiting for an opportunity to become adoptive parents also benefit. Today, between 1 and 2 million Americans want to adopt a child. Not only is there a decreasing number of children available for adoption, but the process is unnecessarily expensive, time-consuming, and cumbersome. I have listened to friends, hoping to adopt a child, describe how their lives are put on hold, often for years, how their hopes are repeatedly raised only to be repeatedly dashed, how their financial security suffers as they begin or add to their family through adoption. This bill will help clear the path for these Americans who want to experience a profound aspect of humanity, sharing their lives and love with a child.

Society benefits from adoption. Ninety percent of adopted children live with two parents—statistically the most financially and emotionally secure of family configurations. Fifty-four percent live in homes in which the family income is three times higher than the poverty level. In fact, the 1982 National Survey of Family Growth found that only 2 percent of adopted children, but 62 percent of children retained by their birth mothers, lived in poverty. So while adopted children have a reduced chance of living in poverty they also have an increased likelihood of attaining a higher level of education.

The advantages to these children will directly and positively affect every social problem of our culture, from racism to global competitiveness to our overburdened and inefficient social service agencies. Productive, economi-

cally secure citizens contribute to their country's well-being.

Adoption, while not problem-free, can often be the best choice for all those involved. Our legislation will help give a woman's third choice back to her.

Specifically, the bill creates a new grant program that provides maternal health certificates to low-income pregnant women who enter maternity homes or use the outpatient services of those homes. The birth mother will be provided a respite from the pressures of the outside world while she decides what is best for herself and for the child.

Maternity homes provide other crucial services often unavailable to low-income women, including: medical care for the women and their babies, health education, nutrition, and nutrition counseling, family counseling, education services, job-training, and other counseling services. Regardless of the decision a young woman finally makes, these services will improve her lot in life—and that of her child, if she decides to keep and raise that child.

The Omnibus Adoption Assistance and Maternal Health Certificates Act will also promote adoption by addressing other shortcomings of the process that currently impede its implementation.

To better understand the process, to monitor the provisions of this act, and to recommend additional changes in the law, this bill establishes the National Advisory Council on Adoption, with membership representing a wide range of private and public organizations. The 13-member council will be selected by the Secretary of HHS and the majority and minority leaders of the House and Senate.

As I have spoken this evening, I have cited statistics from many studies, none of them as current nor as comprehensive as I would choose. Unbelievably, in 1975 the Federal Government discontinued data collection about adoption. It would be far easier for me to inform my colleagues how many potato chips are eaten yearly by each child in America—4.4 pounds—than to tell them how many of those children are adopted! This bill calls for the reinstatement of data collection on adoption in the United States. When we better understand the problems and advantages presented by adoption, we will be better able to improve the process.

Further, knowledge of the adoption process will be enhanced by the establishment of two new education programs. The first is a program for graduate study fellowships for innovative programs concerning the effects of adoption of the individuals involved. The second is an Adoption Education Grant Program, which provides moneys to States for the development of curriculum on adoption to be included in school family life programs. Both of these programs would add to our understanding of adoption, and would help to eliminate the negative myths surrounding it.

This legislation also addresses in several ways obstacles facing adoptive parents. It provides for their equal treatment in insurance policies and parental leave benefits. The National Federation of Independent Businesses and the National Association of Wholesalers have indicated that they do not oppose these provisions.

This bill also calls upon agencies to provide all available information on a child to a prospective foster or adoptive parent. And the speed of the process is enhanced by raising the reimbursement rate for agencies which place a child with special needs within 3 months of his or her becoming legally free for adoption—a benefit not just for the waiting parents, but for the child and the agency providing the service.

Finally, the Omnibus Adoption Assistance and Maternal Health Certificates Act states a sense of the Congress that every State should implement and enforce certain laws relating to adoption which help remove the bureaucratic barriers now facing birth mothers and prospective adoptive parents.

Relinquishing a child for adoption is a courageous decision, and often the best decision for all involved. As a society, I believe we will come to that conclusion again. We in this body can ease the way for the young women who will make that difficult choice and the parents who wish to adopt. They deserve our support, and the Omnibus Adoption Assistance and Maternal Health Certificates Act will provide it.

Mr. President, I ask unanimous consent that a summary of the bill and the text of the bill itself be printed in the RECORD.

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

SUMMARY OF THE OMNIBUS ADOPTION ASSISTANCE AND MATERNAL HEALTH CERTIFICATES ACT

SECTION 2. FINDINGS

25% of children are born into single-parent homes.

In 1970 there were 89,000 adoptions per year; in 1990 there were only 51,000.

Currently, only 6% of teenage mothers choose adoption.

Young, unmarried women who made an adoption plan for their babies are more likely to complete high school, less likely to live in poverty, and less likely to receive public assistance than single parents.

60% of welfare recipients are, or were at one time, teenage mothers.

Adopted children have been found to have the same levels of confidence, or greater levels of confidence than, children who are not adopted.

Maternity homes provide young mothers a safe haven away from peer pressure and time to consider thoughtfully the best plan for themselves and their babies.

Young mothers in maternity homes receive counseling, schooling, and job counseling, and prenatal care.

SECTION 3. NATIONAL ADVISORY COUNCIL ON ADOPTION

Establishes the National Advisory Council on Adoption. Requires the Secretary of HHS and the Majority and Minority leaders of the House and Senate to appoint a 13 member advisory council drawn from private child welfare organizations, national and international adoption associations, state and local government agencies supervising adoption, and state and local courts with jurisdiction over family. The purpose of the Council is to monitor the implementation of the provisions of this Act and to recommend additional changes in law to promote the objectives of this Act.

SECTION 4. ADOPTION DATA COLLECTION SYSTEM

Existing HHS regulations on adoption data collection apply only to those supervised by public agencies. This act would require HHS to collect data from all adoption entities (public or private) that receive any federal assistance. HHS would also collect any data that private agencies (not already required to participate) were willing to provide.

HHS is required to develop regulations to protect the confidentiality of individuals included in the adoption data gathered by the agency.

SECTION 5. MATERNAL HEALTH CERTIFICATES

The Secretary of HHS is directed to establish through the states programs to provide maternal health certificates to eligible pregnant women. To qualify for assistance, the women's income must be at or below 175% of the state poverty level. The income of the parents, guardians, or the father of the child shall not be taken into account in the determination of eligibility.

Eligible facilities must be able to house at least four women. The facilities must provide a range of pregnancy services, including: prenatal, delivery, and post-delivery care; education on caring for the baby; nutrition counseling; adoption counseling; and, vocational counseling.

Facilities providing in-patient services would be reimbursed at $80 per day. Out-patient services would be reimbursed $50 per day. Services may be provided for the full duration of the pregnancy plus one month of the post-partum services. The bill provides an authorization level of $30 million a year for three years.

SECTION 6. SOCIAL WORK GRADUATE STUDY FELLOWSHIPS ON ADOPTION

Directs the Secretary of Education to establish up to 50 fellowships for the study of innovative adoption programs. Topics for study would include: basic research on the short-term and long-term affects of adoption on children, biological parents and adoptive families; development of model curriculum to assist adoptive children and their families and counseling for pregnant women on the availability and benefits of making adoption plans.

Authorizes such funds as may be necessary to carry out this section.

SECTION 7. GRANTS TO STATE FOR ADOPTION EDUCATION PROGRAMS

Provides up to $10 million in grants for FY 93–95 to the states for the development of public school curriculum on adoption to be included in school family life programs.

SECTION 8. EQUAL INSURANCE COVERAGE FOR ADOPTED CHILDREN

Adoptive parents have claimed that insurance companies have refused to write or honor insurance coverage for their adopted children. This section would amend ERISA laws to prohibit discrimination by insurance

companies in the writing or executing of insurance policies solely on the basis of whether a child is adopted. The National Federation of Independent Businesses and the National Association of Wholesalers indicated last year that they did not oppose this provision.

Defines son or daughter as a biological child, adopted child, step child, legal ward, or a child placed for adoption.

SECTION 9. EQUAL EMPLOYEE BENEFITS FOR ADOPTIVE PARENTS

Requires businesses to offer the same level insurance, and pension benefits to adoptive parents as they do for other employees. The National Federation of Independent Businesses and the National Association of Wholesalers have indicated that they did not oppose this provision.

SECTION 10. EXPEDITED PLACEMENT OF CHILDREN WITH SPECIAL NEEDS

Provides enhanced reimbursement to states for expenses incurred in placing a child with "special needs" in adoptive homes if the child is placed within three months of becoming available for adoption.

Considering that 25% of all children in foster care have been there for over 3 years, and 40% have been there for over 2 years, this expedited placement will save money.

SECTION 11. SENSE OF CONGRESS REGARDING CHANGES IN STATE ADOPTION LAWS

Last year, the Gorton-Nunn bill included an "Adoptive Parents Right-to-Know" section mandating the release to potential adoptive parents of information pertaining to the child's physical, mental and emotional background.

Because of concerns that last year's provision would have pre-empted state laws governing health insurance, this year's bill has dropped the Gorton-Nunn provision and added a "sense-of-the-Congress" resolution calling on the states to make certain that all necessary information is made available to adoptive parents. In addition, the resolution recommends that states require adequate legal counsel be provided to biological mothers.

Finally, the resolution calls on states to require health insurers to drop pre-existing condition restrictions on adoptive children. In some cases, health insurance benefits of adoptive parents will only cover health problems that occur after the child has been officially placed. This "gap" in coverage is potentially serious in the event of post-natal complications.

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S. 3091

*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 "Omnibus Adoption Assistance and Maternal Health Certificates Act".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) in the United States today, 25 percent of children are born into single parent homes;

(2) the number of children in single female-headed homes has increased 85 percent, rising from 7,500,000 in 1970 to 13,900,000 in 1988;

(3) the rise in single-parenthood is one of the root causes of family disintegration in the Nation today;

(4) adoption addresses the problem of family disintegration at the beginning by getting children into solid, two-parent homes and giving birthmothers the opportunity to mature before taking on the adult responsibilities of child-rearing;

(5)(A) in 1970 there were 89,000 adoptions;

(B) in 1990 there were 51,000 adoptions; and

(C) currently, only 6 percent of all teenage mothers choose adoption;

(6) young, unmarried women who made an adoption plan for babies are more likely to complete high school, less likely to live in poverty, and less likely to receive public assistance than single parents;

(7) 60 percent of welfare recipients are, or were at one time, teenage mothers;

(8) several studies show that, when compared to teenage mothers, teenagers who choose adoption are less likely to have repeat unwed pregnancies;

(9) 90 percent of adopted children live with two married parents and 54 percent of the children live in homes with family income three times higher than poverty level;

(10) adopted children have been found to have the same levels of confidence as, or greater levels of confidence than, children who are not adopted;

(11) maternity homes provide young mothers a safe haven away from peer pressure and time to consider thoughtfully the best plan for themselves and their babies;

(12) young mothers in maternity homes receive counseling, a structured environment, and a variety of other services such as schooling, job counseling, and prenatal care;

(13) when comprehensive services, including adoption services, are offered, the percentage of mothers who choose adoption for their children is significantly higher than the general adoption placement rate;

(14) St. Anne's Maternity Home in California reports that 22 percent of its residents choose adoption, compared to a general rate of 5 percent of California mothers who choose adoption;

(15) there are approximately 450,000 children in foster care in the United States, of whom less than 10 percent are available for adoption;

(16) 40 percent of the children in foster care have been in the system 2 or more years, while 25 percent have been in foster care at least 3 years; and

(17) 60 percent of children in foster care are classified as "children with special needs", which means the children have physical or emotional difficulties, belong to sibling or minority groups, or are older children.

**SEC. 3. NATIONAL ADVISORY COUNCIL ON ADOPTION.**

(a) ESTABLISHMENT.—There is hereby established the National Advisory Council on Adoption (in this section referred to as the "Council").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall be composed of 13 members appointed by the Secretary of Health and Human Services.

(2) REPRESENTATIVES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall appoint the members of the Council, and shall include in such appointment as Council members representatives of—

(A) private, nonprofit organizations involved in child welfare and maternity services, including national organizations representing organizations that provide adoption services or maternity housing and services facilities;

(B) private, nonprofit organizations representing adopted children, adoptive families or biological parents;

(C) organizations or agencies involved with privately arranged or international adoptions;

(D) organizations representing State and local government agencies with responsibility for coordinating or regulating adoption services or maternity and housing services facilities; and

(E) organizations representing State and local courts or judicial entities with jurisdiction over issues of family law.

(3) RECOMMENDATIONS.—Of the 13 members of the Council, the Secretary shall appoint—

(A) 3 members from among persons nominated by the Speaker of the House of Representatives;

(B) 2 members from among persons nominated by the Minority Leader of the House of Representatives;

(C) 3 members from among persons nominated by the Majority Leader of the Senate; and

(D) 2 members from among persons nominated by the Minority Leader of the Senate.

(c) DUTIES.—The Council shall—

(1) monitor on behalf of Congress the implementation of the programs established and activities required under this Act and make such recommendations as it determines appropriate to help carry out the intent of Congress in establishing such programs and requiring such activities;

(2) consult with the heads of departments and agencies charged with the responsibility of carrying out such programs and activities; and

(3) make such recommendations as it determines appropriate, including recommendations regarding additional legislation, to carry out the purposes of this Act.

(d) CHAIRPERSON.—The Secretary of Health and Human Services shall select a Chairperson from among the members of the Council.

(e) TERM OF OFFICE.—Members shall be appointed for 3-year terms.

(f) VACANCIES.—Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment for the position being vacated. The vacancy shall not affect the power of the remaining members to execute the duties of the Council.

(g) MEETINGS.—The Council shall hold such meetings as may be appropriate, but shall meet at least once every 90 days.

(h) QUORUM.—A majority of the Council shall constitute a quorum for the transaction of business.

(i) COMPENSATION AND EXPENSES.—Members of the Council shall not be compensated for the performance of duties for the Council. Each member of the Council may, at the option of the member, receive travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, for each day the member is engaged in the performance of duties away from the home or regular place of business of the member.

(j) POWERS.—The Council is authorized to hold such hearings and sit and act at such times, and take such testimony, as the Council may determine to be necessary to carry out the duties of the Council.

(k) OATHS.—Any member of the Council may administer oaths or affirmations to witnesses appearing before the Council.

(l) INFORMATION.—

(1) SECURING INFORMATION.—The Council may secure directly from any Federal agency, and from any State agency, or private organization, that receives Federal assistance under this Act, such information as the Council may require to carry out its duties.

(2) DISCLOSURE.—The Council shall comply with the procedures described in section

4(c)(3) regarding the disclosure of the information described in paragraph (1).

(m) GIFTS AND DONATIONS.—The Council may accept, use, and dispose of gifts or donations of property in order to carry out the duties of the Council.

(n) USE OF MAIL.—The Council may use the United States mails in the same manner and under the same conditions as Federal agencies.

(o) DETAIL OF FEDERAL EMPLOYEES.—On the request of the Chairperson of the Council, the Secretary of Health and Human Services shall detail, without reimbursement, any of the personnel of the Department of Health and Human Services to the Council to assist the Council in carrying out its duties. Any detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(p) TECHNICAL ASSISTANCE.—On the request of the Chairperson of the Council, the Secretary of Health and Human Services shall provide such technical assistance to the Council as the Council determines to be necessary to carry out its duties.

(q) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 1993 through 1995.

(r) TERMINATION.—The Council shall terminate at the expiration of the 3-year period that begins on the date of the enactment of this Act.

**SEC. 4. IMPLEMENTATION OF ADOPTION DATA COLLECTION SYSTEM.**

(a) REPORT ON STATUS OF FINAL REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing information on the status of the implementation of the data collection system required pursuant to section 479(b)(2) of the Social Security Act (42 U.S.C. 679(b)(2)).

(2) SPECIFIC ASSURANCES REQUIRED.—The report described in paragraph (1) shall include specific assurances that the data collection system will comply with the regulations described in subsection (c).

(b) MONTHLY PROGRESS REPORTS.—Every 30 days after the report described in subsection (a) is required to be submitted, the Secretary of Health and Human Services shall prepare and submit to the appropriate committees of Congress a report containing information on the progress made in implementing the data collection system.

(c) REGULATIONS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall issue such regulations as the Secretary determines to be necessary to carry out this section, including appropriate requirements and incentives to ensure that the data collection system functions reliably throughout the United States.

(2) SUBJECTS.—The regulations issued under paragraph (1) shall require that the data collection system—

(A) shall avoid unnecessary diversions of resources from agencies responsible for adoption and foster care;

(B) shall use uniform definitions and methodologies to ensure that any data collected is reliable and consistent over time and among jurisdictions;

(C) shall include in the data collection system—

(i) data concerning adoptions arranged through State and private agencies that receive Federal assistance; and

(ii) to the extent such data are voluntarily released by State and private agencies that receive no Federal assistance, data concerning adoptions arranged through the agencies; and

(D) shall, using data described in subparagraph (C), and in accordance with paragraph (3), provide comprehensive national information with respect to—

(i) the demographic characteristics of all adopted and foster children and their biological and adoptive or foster parents;

(ii) the status of the foster care population, including the number of children in foster care, the length and type of placement, availability for adoption, and goals for ending or continuing foster care;

(iii) the number and demographic characteristics of all children placed in or removed from foster care, children adopted, and children with respect to whom adoptions have been terminated; and

(iv) the extent and nature of assistance provided by Federal, State, and local adoption and foster care programs and the characteristics of the children with respect to whom such assistance is provided.

(3) DISCLOSURE AND CONFIDENTIALITY.—The regulations issued under paragraph (1) shall provide for the establishment of procedures—

(A) for the disclosure by the Secretary of aggregate information collected under this section relating to adoption and foster care in the United States; and

(B) for the maintenance of confidentiality by the Secretary, the agencies described in paragraph (2)(C)(i), and the agencies described in paragraph (2)(C)(ii) to the extent such agencies collect information under this section, of information collected under this section with respect to the identity of an individual.

(4) CONSULTATION.—In developing the regulations issued under paragraph (1), the Secretary shall consult with the National Advisory Council on Adoption established under section 3(a).

**SEC. 5. MATERNAL HEALTH CERTIFICATES.**

Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following new part:

**"PART M—MATERNAL HEALTH AND ADOPTION**

**"SEC. 399F. MATERNAL HEALTH CERTIFICATES PROGRAM.**

"(a) GRANTS.—The Secretary shall award grants to States to enable the States to establish programs to provide maternal health certificates to eligible women within such States.

"(b) STATE ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State shall prepare and submit to the Secretary, an application at such time, in such form, and containing such information as the Secretary shall require, including—

"(1) an assurance that the State shall establish a maternal health certificates program in accordance with this section;

"(2) an assurance that the State shall establish procedures to comply with the requirements of subsection (f)(3); and

"(3) the name of an agency designated by the State to administer the maternal health certificates program.

"(c) ELIGIBLE WOMEN.—To be eligible to receive a maternal health certificate under a program established under this section, a woman shall—

"(1) be a pregnant female;

"(2) have an annual income (within the meaning of section 1612(a) of the Social Security Act (42 U.S.C. 1382a(a)) but not including the income of, or support received by the woman from, parents, guardians, or the father of the child) that does not exceed 175 percent of the State poverty level;

"(3) be a current resident of a maternity home, on a waiting list for such a home, or receiving outpatient services from such a home;

"(4) prepare and submit, to the State agency designated under subsection (b)(3), an application at such time, in such form, and containing such information as such agency shall require, including—

"(A) the name and address of the maternity home in which the woman resides or intends to reside, or from which the woman intends to receive services; and

"(B) the rates charged by the maternity home and the estimated length of time the woman expects to stay or receive services from the home; and

"(5) comply with any other requirements determined appropriate by the Secretary.

"(d) MATERNITY HOME ELIGIBILITY.—To be eligible to receive a maternal health certificate as payment for services provided to an eligible woman under a program established under this section, a maternity home shall—

"(1) be a residence for pregnant women or provide outpatient services for pregnant women;

"(2) have the capacity to serve at least four pregnant women concurrently;

"(3) be licensed or approved by the State; and

"(4) provide, either directly or by referral, to eligible women and, where appropriate, to their babies a range of services that are in accordance with the standards promulgated by the Secretary under subsection (g), including standards regarding—

"(A) room and board;

"(B) medical care for the women and their babies, including prenatal, delivery, and post-delivery care;

"(C) instruction and education concerning future health care for both the women and babies;

"(D) nutrition and nutrition counseling;

"(E) counseling and education concerning all aspects of pregnancy, childbirth, and motherhood;

"(F) general family counseling;

"(G) child and family development education;

"(H) adoption counseling, which shall include referral to a licensed nonprofit adoption agency, if the home is not such an agency;

"(I) counseling and services concerning education, vocation, or employment; and

"(J) reasonable transportation services.

"(e) USE OF CERTIFICATES.—A woman who receives a certificate awarded under a program established under this section shall use such certificate to pay the costs associated with the residence of or services provided to the woman in a maternity home. Such costs shall be reasonably related to the range of services described in subsection (d)(4).

"(f) LIMITATIONS ON CERTIFICATES.—

"(1) TIME.—Certificates awarded under a program established under this section shall cover expenses incurred during a period that shall end not later than 1 month after the birth of the baby to the eligible woman.

"(2) AMOUNT.—The amount of a certificate awarded under a program established under this section shall not exceed, during the period in which the certificate is valid—

"(A) in the case of a resident, $80 per day; and

"(B) in the case of a woman receiving outpatient services, $50 per day.

"(3) MATCHING REQUIREMENT.—Procedures established under subsection (b)(2) shall require that—

"(A) the State agency designated under subsection (b)(3);

"(B) the maternity home receiving a certificate under a program established under this section; or

"(C) both the State agency and the maternity home receiving the certificate;

provide an amount that is at least equal to the amount of the certificate awarded to an eligible woman for the payment of the costs associated with providing residence or services to the woman in a maternity home.

"(g) REGULATIONS.—Not later than 90 days after the date of the enactment of this part, the Secretary shall promulgate regulations to establish the standards described in subsection (c)(4). In promulgating the regulations, the Secretary shall consider such standards as the Council on Accreditation for Services to Children and Families may determine to be appropriate.

"(h) PARTICIPATION IN AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM.—Notwithstanding any other provision of this section, no woman shall be required to participate in the program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to be eligible for a maternal health certificate under this section.

"(i) PROHIBITION ON SUPPLANTING OF SERVICES.—No maternal health certificate issued under this section shall be used to supplant existing State, county, or local government funds that are used to provide services similar to those described in subsection (d)(4) for low-income pregnant females.

"(j) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall provide, through grants or contracts, for the continuing evaluation of programs established under this section, to determine—

"(A) the effectiveness of such programs in achieving the goals stated in paragraph (3) in general, and in relation to cost;

"(B) the impact of such programs on related programs, including programs under titles IV, V, and XIX of the Social Security Act (42 U.S.C. 601 et seq., 701 et seq., and 1396 et seq.) and titles X and XX of this Act; and

"(C) the structure and mechanisms for the delivery of services for such programs.

"(2) COMPARISONS.—The Secretary shall include in evaluations under paragraph (1), where appropriate, comparisons of participants in such programs with individuals who have not participated in such programs.

"(3) GOALS.—For purposes of paragraph (1)(A), the goals of this section shall be to—

"(A) increase the availability of services to low-income pregnant eligible women;

"(B) improve the physical and psychological health of such a woman;

"(C) ensure a safe and healthy pregnancy, delivery, and postpartum period for the woman;

"(D) promote the delivery of a healthy baby to the woman;

"(E) increase the knowledge of the woman regarding proper health and nutrition for the woman and her baby;

"(F) increase the ability of the woman to support herself financially;

"(G) help the woman make an informed decision whether to parent her baby or to make an adoption plan for her baby;

"(H) increase the ability of the woman to support her baby financially and emotionally, if the woman so chooses; and

"(I) assist the woman in placing her baby for adoption, if the woman so chooses.

"(k) CONSULTATION WITH ADVISORY COUNCIL.—The Secretary of Health and Human Services shall issue such regulations as the Secretary determines to be necessary to carry out the program established under subsection (a). In developing the regulations, the Secretary shall consult with the National Advisory Council on Adoption established under section 3(a) of the Omnibus Adoption Assistance and Maternal Health Certificates Act.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $30,000,000 for each of the fiscal years 1993 through 1995.".

**SEC. 6. SOCIAL WORK GRADUATE STUDY FELLOWSHIPS.**

(a) PROGRAM ESTABLISHMENT.—Title IX of the Higher Education Act of 1965 (20 U.S.C. 1134 et seq.) is amended—

(1) by redesignating part G as part H;

(2) by redesignating section 971 as section 981; and

(3) by inserting after part F the following new part:

**"PART G—GRADUATE SOCIAL WORK FELLOWSHIPS**

**"SEC. 971. AWARD OF FELLOWSHIPS.**

"(a) IN GENERAL.—

"(1) FELLOWSHIPS AUTHORIZED.—From the amount appropriated pursuant to the authority of section 981(g), the Secretary shall award not more than 50 fellowships in accordance with the provisions of this part for study in graduate schools of social work that offer innovative programs described in subsection (b) to students selected on the basis of demonstrated achievement and exceptional promise.

"(2) DURATION.—The fellowships described in paragraph (1) shall be awarded for only one academic year of study and shall be renewable for two additional years.

"(b) INNOVATIVE PROGRAMS DEFINED.—The innovative programs described in subsection (a) are innovative programs concerning the effects of adoption on the children who are adopted, the families who adopt children and the biological parents who make an adoption plan, including—

"(1) a basic research program on the short-term and long-term effects of adoption on adopted children, biological parents and adoptive families;

"(2) development of a model curriculum and instructional program to assist adopted children, biological parents and adoptive families;

"(3) development of an innovative program to counsel pregnant women on the availability and benefits of choosing to make an adoption plan; or

"(4) any other program determined to be consistent with the provisions of this part.

"(c) FELLOWSHIP RECIPIENT SELECTION PROCEDURES.—The Secretary, by regulation, shall establish such selection procedures for fellowship recipients as are appropriate to carry out this part.

**"SEC. 972. STIPENDS.**

"(a) AWARD BY SECRETARY.—The Secretary shall pay to individuals awarded fellowships under this part such stipends (including such allowances for subsistence and other expenses for such individuals and their dependents) as the Secretary may determine to be appropriate, adjusting such stipends as necessary so as not to exceed the fellow's demonstrated level of need according to measurements of need approved by the Secretary. The stipend levels established by the Secretary shall reflect the purpose of the fellowship program assisted under this part to encourage highly talented students to undertake graduate study and shall provide a level of support comparable to that provided by federally funded graduate fellowships in the science and engineering fields.

"(b) INSTITUTIONAL PAYMENTS.—

"(1) IN GENERAL.—The Secretary (in addition to the stipends paid to individuals under subsection (a)) shall pay to the institution of higher education, for each individual awarded a fellowship for pursuing a course of study at such institution, $6,000, except that such amount charged to a fellowship recipient and collected from such recipient for tuition and other expenses required by the institution as part of the recipient's instructional program shall be deducted from the payment of the institution under this subsection.

"(2) REDUCTION LIMITATION.—Subject to the availability of appropriations, amounts payable to an institution of higher education by the Secretary pursuant to this subsection shall not be reduced for any purpose other than the purpose specified under paragraph (1).

**"SEC. 973. FELLOWSHIP CONDITIONS.**

"(a) REQUIREMENTS FOR RECEIPT.—An individual awarded a fellowship under this part shall continue to receive payments described in section 972(a) only during such periods as the Secretary finds that such individual is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field in which such fellowship was awarded, in an institution of higher education, and is not engaging in gainful employment other than part-time employment by such institution in teaching, research, or similar activities, approved by the Secretary.

"(b) REPORTS FROM RECIPIENTS.—The Secretary is authorized to require reports containing such information in such form and at such times as the Secretary determines necessary from any individual awarded a fellowship under this part. The reports shall be accompanied by a certificate from an appropriate official at the institution of higher education, stating that such individual is making satisfactory progress in, and is devoting essentially full time to, the program for which the fellowship was awarded.".

(b) CONSULTATION WITH ADVISORY COUNCIL.—In developing regulations needed to carry out part G of title IX of the Higher Education Act of 1965 (as added by subsection (a)), the Secretary of Education shall consult with the National Advisory Council on Adoption established under section 3(a).

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 981 of the Higher Education Act of 1965 (as redesignated by subsection (a)(2)) is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection:

"(g) PART G.—There are authorized to be appropriated to carry out part G of this title such sums as may be necessary for each of the fiscal years 1993, 1994, and 1995.".

**SEC. 7. GRANTS FOR ADOPTION EDUCATION PROGRAMS.**

(a) PROGRAM AUTHORIZED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Education (hereafter in this section referred to as the "Secretary") shall make grants to States to enable such States to carry out adoption education programs.

(b) GRANT AMOUNTS.—The Secretary shall determine the amount of the grant any State is eligible to receive under this section based on the estimated size and cost of the program to be assisted under the grant and the number of children to be served by the program.

(c) APPLICATION.—Any State that desires to receive a grant under this section shall submit to the Secretary an application at

such time, in such manner, and containing or accompanied by such information and assurances as the Secretary may reasonably require.

(d) GUIDELINES.—The Secretary shall by regulation publish guidelines for model adoption education programs to be assisted under this section.

(e) CONSULTATION WITH ADVISORY COUNCIL.—In developing regulations needed to carry out this section, the Secretary shall consult with the National Advisory Council on Adoption established under section 3(a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 1993, 1994, and 1995 to carry out this section.

**SEC. 8. EQUAL INSURANCE COVERAGE FOR ADOPTED CHILDREN.**

Section 510 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1140) is amended—

(1) by inserting "(a)" after "510.";

(2) by striking the last sentence; and

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

"(b)(1) As used in this subsection, the term 'son or daughter' means a biological or adopted child, a stepchild, a legal ward, or a child placed for adoption.

"(2) Notwithstanding any other provision of law, it shall be unlawful for any person to discharge, fine, suspend, expel, discipline, or discriminate against a participant or beneficiary for the purpose of interfering with the attainment of any right, including a right with respect to coverage, benefits, or cost sharing, to which such participant may become entitled under an employee benefit plan, this title, or the Welfare and Pension Plans Disclosure Act, on the basis of the fact that—

"(A) a son or daughter of the participant is not a biological child of the participant; or

"(B) a son or daughter that is not a biological child of the participant has a health-related condition that existed prior to the date on which the child became a son or daughter of the participant.

"(3) Nothing in this subsection shall be construed to require any person to extend a benefit under an employee benefit plan to any participant if the person would not otherwise be required to extend the benefit to a participant with a biological child.

"(c) The provisions of section 502 shall be applicable in the enforcement of this section.".

**SEC. 9. EQUAL LEAVE BENEFITS FOR ADOPTIVE PARENTS.**

(a) DEFINITIONS.—As used in this section:

(1) COMMERCE.—The terms "commerce" and "industry or activity affecting commerce" mean any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce, and include "commerce" and any "industry affecting commerce", as defined in paragraphs (3) and (1), respectively, of section 120 of the Labor Management Relations Act, 1947 (29 U.S.C. 142 (3) and (1)).

(2) EMPLOY.—The term "employ" has the meaning given the term in section 3(g) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(g)).

(3) EMPLOYEE.—The term "employee" means any individual employed by an employer.

(4) EMPLOYER.—The term "employer" means any person engaged in commerce or in any industry or activity affecting commerce.

(5) EMPLOYMENT BENEFITS.—The term "employment benefits" means all benefits provided or made available to employees by an employer, including health insurance, sick leave, and annual leave, regardless of whether such benefits are provided by a policy or practice of an employer or through an "employee welfare benefit plan", as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(1)).

(6) LEAVE BENEFIT.—The term "leave benefit" means—

(A) any leave provided by the employer to enable a parent to prepare for the arrival of a son or daughter or to care for a son or daughter;

(B) any right to reemployment with the employer after the leave described in subparagraph (A); and

(C) any right to the receipt of pay or employment benefits, or the accrual of seniority, during the leave described in subparagraph (A).

(7) PARENT.—The term "parent" means the biological parent, adoptive parent, prospective adoptive parent, legal guardian, or stepparent, of the child.

(8) SON OR DAUGHTER.—The term "son or daughter" means a biological or adopted child, a stepchild, a legal ward, or a child placed for adoption.

(b) NONDISCRIMINATION.—It shall be an unlawful employment practice for an employer to discriminate against an employee with respect to a term or condition of any leave benefit on the basis of the fact that a son or daughter of an employee is not a biological child of the employee.

(c) RIGHT TO BRING CIVIL ACTION.—

(1) IN GENERAL.—Subject to the limitations contained in this section, any person may bring a civil action against an employer to enforce the provisions of this section in any appropriate court of the United States or in any State court of competent jurisdiction.

(2) TIMING OF COMMENCEMENT OF CIVIL ACTION.—No civil action may be commenced under paragraph (1) later than 1 year after the date of the last event that constitutes the alleged violation.

(3) VENUE.—An action brought under paragraph (1) in a district court of the United States may be brought in any appropriate judicial district under section 1391 of title 28, United States Code.

(4) RELIEF.—In any civil action brought under paragraph (1), the court may—

(A) grant as relief against any respondent that violates any provision of this title—

(i) any permanent or temporary injunction, temporary restraining order, or other equitable relief as the court determines appropriate; and

(ii) damages in an amount equal to any wages, salary, employment benefits, or other compensation denied or lost to such eligible employee by reason of the violation, plus interest on the total monetary damages calculated at the prevailing rate; and

(B) award to a prevailing party (other than the United States) in the action a reasonable attorney's fee.

(d) CONSTRUCTION.—Nothing in this section shall be construed to require an employer to provide any leave benefit that the employer would not otherwise have provided to an employee with a biological child.

**SEC. 10. PAYMENTS TO STATES FOR EXPEDITED PLACEMENT UNDER THE ADOPTION ASSISTANCE PROGRAM.**

(a) IN GENERAL.—Section 474(a)(3) of the Social Security Act (42 U.S.C. 674(a)(3)), as amended by section 5071 of the Omnibus Budget Reconciliation Act of 1990, is amended—

(1) by redesignating subparagraph (C) as subparagraph (D);

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

(3) by inserting after subparagraph (B) the following new subparagraph:

"(C) 80 percent of so much expenditures as are for the recruitment of adoptive parents in any case where the placement for adoption of a child with special needs occurs not later than 3 months after the child is determined under State law to be legally free for adoption, and".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for each quarter beginning on or after 60 days after the date of enactment of this Act.

**SEC. 11. SENSE OF CONGRESS REGARDING CHANGES IN STATE ADOPTION LAWS.**

(a) IN GENERAL.—It is the sense of Congress that each State should adopt, and assume responsibility for enforcing laws, rules, or regulations that would provide that—

(1) the State shall make available to a prospective adoptive parent all relevant information with respect to the placement of the child for adoption, including information with respect to the medical, social, and adoption and foster care placement history and ethnic background of the child and the biological parents of the child (except to the extent that such information would identify the child or biological parents) and shall impose criminal penalties on any person who makes an unauthorized disclosure of such information;

(2) a State-approved professional working in a licensed agency setting shall investigate the prospective adoptive parent of a child before the child is placed with such parent for adoption;

(3) the courts of the State shall not finalize any adoption before each party to the adoption proceeding has submitted to the court all information relating to the costs incurred by or on behalf of the party in connection with the adoption, including a list of all payments, benefits, gifts, or other things of value;

(4) the State shall require adequate legal representation with respect to the adoption proceeding for the biological mother of a child who is the subject of such proceeding, if the biological mother wants separate legal representation;

(5) if a child is placed with an individual pursuant to a written plan of adoption before the adoption occurs and such individual does not file a petition for the adoption of the child with the appropriate court during the 6-month period beginning on the date the child is placed with such individual, and the individual cannot demonstrate just cause for failure to file the petition during such period, such individual shall be barred from adopting the child; and

(6) with respect to each health benefit plan providing coverage to individuals in the State—

(A) each such plan shall provide coverage of health expenses relating to pregnancy and childbirth (not including any expenses relating to carrying out a surrogate parenting arrangement)—

(i) upon the adoption of a child by an individual enrolled in the plan, for the child and for the biological mother of such child, with respect to expenses incurred after the individual enrolled in the plan furnishes written notice to the sponsor of the plan of the intent of the individual to adopt the child of the biological mother, and

(ii) for any dependent child of an individual enrolled in the plan; and

(B) the sponsor of such a plan may not exclude, terminate, or otherwise limit coverage under the plan with respect to the adopted child of an individual enrolled in the plan on the basis that such child has a preexisting condition.

(b) DEFINITIONS.—For purposes of this section—

(1) the term "health benefit plan" means any plan, fund, or program that provides medical care to participants or beneficiaries directly or through insurance, reimbursement, or otherwise;

(2) the term "preexisting condition" means any disease, disability, disorder, impairment, or other health condition; and

(3) the term "sponsor" means any entity in a State providing a health benefit plan in a State.

Mr. CRAIG. Mr. President, I am pleased to join with my colleagues today in introducing the Omnibus Adoption Assistance and Material Health Certificates Act.

This bill consolidates some of the best ideas contained in my bill, S. 1301, and that of Senators GORTON and NUNN. We've always focused on a common goal: to make adoption a more available and more affordable alternative for families. Now we have a common legislative vehicle as well.

Why do we need this legislation?

I've talked before on this floor about my own experience adopting the children of my wife, Suzanne. That experience made me appreciate the hardships associated with this method of becoming a parent—yet I faced only a fraction of the cost, the wait, the red tape and the postadoption difficulties of most adoptive parents.

In America today, the deck is stacked against adoption. For example, the costs of a normal birth are two-thirds the cost of adoption. Health insurance often covers babies from birth when they're born to insured families—but usually covers adopted babies only after the adoption becomes final, which is typically 18 months or longer after the adoptive parents assume financial responsibility for the child. Parental leave policies rarely cover the situation of a family trying to stabilize the home life of a newly adopted child. Nearly half of all pregnancy counselors do not include adoption as an alternative in their counseling—and just as many have inaccurate information or are at least uncertain about adoption.

Perhaps most important, too few people know enough about adoption to consider it as an alternative when making choices about their lives and the futures of their families.

Yet, Mr. President, adoption is a "win-win" alternative. Statistics show that an adopted child has a 90 percent chance of living with married parents—and a 54 percent chance of living in a home with a family income three times higher than the poverty level. Adoptive parents have the chance to build the families they long for. Young, unmarried women who make adoption plans for their babies are more likely to complete high school, less likely to live in poverty, and less likely to receive public assistance than single parents. And promoting permanent, adoptive homes also helps to reduce the burdens on publicly funded foster care programs.

I think the Omnibus Adoption Assistance and Material Health Certificates Act will help insure that adoption is a workable alternative for American families. It would require the Department of Health and Human Services to move ahead with the adoption data collection system already mandated by this Congress. It would secure equal treatment for adoptive parents and children in insurance policies and parental leave policies. It would encourage the States to pass and enforce important adoption laws. It would make graduate fellowships and grants available to promote innovative education programs. And it would establish a National Advisory Council on adoption to monitor the implementation of the act and recommend additional changes in the law.

I hope all of our colleagues will work with us to pass this bill and support the countless Americans who have already chosen to adopt a child or who would like to become adoptive families.

## ADDITIONAL COSPONSORS

S. 1100

At the request of Mr. KERRY, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1100, a bill to authorize the Secretary of Housing and Urban Development to provide grants to urban and rural communities for training economically disadvantaged youth in education and employment skills and to expand the supply of housing for homeless and economically disadvantaged individuals and families.

S. 1372

At the request of Mr. GORE, the names of the Senator from Indiana [Mr. COATS], and the Senator from Arizona [Mr. MCCAIN] 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. 1675

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 1675, a bill to amend title 49, United States Code, regarding the collection of certain payments for shipments via motor common carriers of property and household goods freight forwarders, and other purposes.

S. 1883

At the request of Mr. HOLLINGS, the names of the Senator from Alabama [Mr. HEFLIN], the Senator from Connecticut [Mr. DODD], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 1883, a bill to provide for a joint report by the Secretary of Health and Human Services and the Secretary of Agriculture to assist in decisions to reduce administrative duplication, promote coordination of eligibility services and remove eligibility barriers which restrict access of pregnant women, children, and families to benefits under the food stamp program and benefits under titles IV and XIX of the Social Security Act.

S. 1988

At the request of Mr. COHEN, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1988, a bill to amend title XVIII of the Social Security Act to provide for improved standards to prevent fraud and abuse in the purchasing and rental of durable medical equipment and supplies, and prosthetics and orthotics, and prosthetic devices under the Medicare Program, and for other purposes.

S. 2083

At the request of Mr. CRAIG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2083, a bill to provide for an extension of regional referral center classifications, and for other purposes.

S. 2141

At the request of Mr. KENNEDY, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 2141, a bill to amend the Public Health Service Act to improve the quality of long-term care insurance through the establishment of Federal standards, and for other purposes.

S. 2400

At the request of Mr. PRYOR, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 2400, a bill to amend title XVIII of the Social Security Act to extend special payments under part A of Medicare for the operating costs of inpatient hospital services of hospitals with a high proportion of patients who are Medicare beneficiaries.

S. 2484

At the request of Mr. KASTEN, the names of the Senator from Colorado [Mr. BROWN], and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 2484, a bill to establish research, development, and dissemination programs to assist State and local agencies in preventing crime against the elderly, and for other purposes.

S. 2680

At the request of Mr. PRYOR, the names of the Senator from Florida [Mr. MACK], and the Senator from Nebraska [Mr. KERREY] were added as cosponsors of S. 2680, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services to consult with State medical societies in revising the geographic adjust-

ment factors used to determine the amount of payment for physicians' services under part B of the Medicare Program, to require the Secretary to base geographic-cost-of-practice indices under the program upon the most recent available data, and for other purposes.

S. 2865

At the request of Mr. REID, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 2865, a bill to provide assistance for workers adversely affected by a nuclear testing moratorium.

S. 2887

At the request of Mr. MCCONNELL, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 2887, a bill to amend title IV of the Social Security Act to provide that the Secretary of Health and Human Services shall enter into an agreement with the Attorney General of the United States to assist in the location of missing children.

S. 2889

At the request of Mr. BOREN, the name of the Senator from Illinois [Mr. DIXON] was added as a cosponsor of S. 2889, a bill to repeal section 5505 of title 38, United States Code.

S. 2899

At the request of Mr. KENNEDY, the names of the Senator from Connecticut [Mr. DODD], the Senator from Massachusetts [Mr. KERRY], the Senator from Ohio [Mr. METZENBAUM], the Senator from Rhode Island [Mr. PELL], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 2899, a bill to amend the Public Health Service Act to revise and extend the programs of the National Institutes of Health, and for other purposes.

S. 2909

At the request of Mr. BENTSEN, the name of the Senator from Michigan [Mr. RIEGLE] was added as a cosponsor of S. 2909, a bill to amend the Tariff Act of 1930 to establish an Office of Trade and Technology Competitiveness in the International Trade Commission.

S. 2949

At the request of Mr. KENNEDY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 2949, a bill to amend the Public Health Service Act to provide for the conduct of expanded research and the establishment of innovative programs and policies with respect to traumatic brain injury, and for other purposes.

S. 2980

At the request of Mr. INOUYE, the names of the Senator from Indiana [Mr. COATS], the Senator from Utah [Mr. HATCH], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 2980, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use of pesticides.

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S. 3009

At the request of Mr. DOMENICI, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 3009, a bill to amend title 10, United States Code, to provide for the payment of an annuity or indemnity compensation to the spouse or former spouse of a member of the Armed Forces whose eligibility for retired or retainer pay is terminated on the basis of misconduct involving abuse of a dependent, and for other purposes.

S. 3020

At the request of Mr. MCCONNELL, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 3020, a bill to repeal the prohibition in the District of Columbia on individuals carrying self defense items such as MACE.

SENATE JOINT RESOLUTION 292

At the request of Mr. SMITH, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of Senate Joint Resolution 292, a joint resolution to provide for the issuance of a commemorative postage stamp in honor of American prisoners of war and Americans missing in action.

SENATE JOINT RESOLUTION 306

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of Senate Joint Resolution 306, a joint resolution designating October 1992 as "Italian-American Heritage and Culture Month."

SENATE CONCURRENT RESOLUTION 126

At the request of Mr. SHELBY, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of Senate Concurrent Resolution 126, a concurrent resolution expressing the sense of the Congress that equitable mental health care benefits must be included in any health care reform legislation passed by the Congress.

SENATE RESOLUTION 325

At the request of Mr. D'AMATO, the names of the Senator from Utah [Mr. HATCH] and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Resolution 325, a resolution expressing the sense of the Senate that the Government of the Yemen Arab Republic should lift its restrictions on Yemeni-Jews and allow them unlimited and complete emigration and travel.

AMENDMENT NO. 1867

At the request of Mr. MCCAIN the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Amendment No. 1867 intended to be proposed to S. 2312, a bill to amend the Federal Aviation Act of 1958 to enhance competition at, and the provision of essential air service with respect to high-density airports, and for other purposes.

## AMENDMENTS SUBMITTED

## COMMERCE, JUSTICE, AND STATE, THE JUDICIARY AND RELATED AGENCIES APPROPRIATIONS FOR FY 1993

### GRAHAM (AND OTHERS) AMENDMENT NO. 2765

Mr. GRAHAM (for himself, Mr. PRYOR, and Mr. KOHL) proposed an amendment to the bill (S. 3026) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1993, and for other purposes; as follows:

On page 78, line 22, strike out "$2,101,000,000" and insert in lieu thereof "$2,016,035,000".

### GRAHAM (AND OTHERS) AMENDMENT NO. 2766

Mr. GRAHAM (for himself, Mr. PRYOR, and Mr. KOHL) proposed an amendment to the bill, S. 3026, supra, as follows:

On page 6, line 10, strike out "$118,234,000" and insert in lieu thereof "$110,100,000".

### GRAHAM (AND OTHERS) AMENDMENT NO. 2767

Mr. GRAHAM (for himself, Mr. PRYOR, and Mr. KOHL) proposed an amendment to the bill S. 3026, supra, as follows:

On page 50, line 26, strike out "$32,654,000" and insert in lieu thereof "$31,280,000".

## AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1993

### LEAHY (AND OTHERS) AMENDMENT NO. 2768

Mr. LEAHY (for himself, Mr. DURENBERGER, and Mr. KASTEN) proposed an amendment to the bill (H.R. 5487) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1993, and for other purposes, as follows:

On page 30:

(1) On line 5, strike "$714,551,000" and insert in lieu thereof "$702,451,000"; and

(2) On line 6, strike "$712,926,000" and insert in lieu thereof "$700,826,000".

On page 33, line 5, strike "$326,048,000" and insert in lieu thereof "$309,948,000".

On page 47, between lines 3 and 4, insert the following:

"WETLANDS RESERVE PROGRAM

"For necessary expenses to carry out the Wetlands Reserve Program on a national basis pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.), $54,900,000 to remain

available until expended: Provided, That none of the funds made available by this Act shall be used to enter in excess of 61,500 acres in fiscal year 1993 into the Wetlands Reserve Program provided for herein: Provided further, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the Wetlands Reserve Program.".

On page 88, strike line 1 and all that follows through line 5; and insert in lieu thereof the following:

"SEC. 728. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a program for the purchase of computer hardware and software and other costs in support of long-range Information Resources Management objectives in Automated Data Processing if the aggregate amount of funds for such purchases exceeds $35,700,000.".

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GRAHAM AMENDMENT NO. 2769

Mr. GRAHAM proposed an amendment to the bill H.R. 5487, supra, as follows:

On page 64, line 14, strike out "$39,307,000" and insert in lieu thereof "$37,795,000," and on line 15, strike out "$30,330,000", and insert in lieu thereof "$29,163,000", and on line 17, strike out "$8,977,000", and insert in lieu thereof "$8,632,000."

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McCAIN (AND OTHERS) AMENDMENT NO. 2770

Mr. McCAIN (for himself, Mr. KASTEN, Mr. D'AMATO, Mr. REID, and Mr. PRESSLER) proposed an amendment to the bill H.R. 5487, supra, as follows:

The Senate finds that on November 12, 1991, the Senate unanimously adopted an amendment to H.R. 2967, a bill to reauthorize the Older Americans Act of 1965, to repeal the social security earnings test;

The Senate finds that the social security earnings test is the last bastion of age discrimination;

The Senate finds that the seniors who need to work, or choose to work, must forfeit $1 in social security benefits for every $3 earned over $10,200;

The Senate finds that the social security earnings test translates into an effective tax burden of 33 percent, making those individuals who are confronted with the social security earnings test the highest taxed individuals in America;

The Senate finds that the social security earnings test is a major deterrent to those seniors who would like to stay in, or return to, the work force, and an unfair penalty to those seniors who must go back to work;

The Senate finds that many of our Nation's seniors are going back to work in order to pay for basic expenses such as health care, food, clothing, and shelter because they have no private pension or liquid investments;

The Senate finds that other seniors would choose to stay in the work force, or return to the work force, if they would not face the punitive social security earnings test;

The Senate finds that the social security earnings test costs the United States $15 billion a year in reduction production;

The Senate finds that eliminating the social security earnings test would save over $200 million a year in compliance costs for the Social Security Administration; and

The Senate finds that dynamic economic estimates indicate that eliminating the social security earnings test would net as much as $140 million in extra Federal tax revenue, therefore, taxes do not need to be increased to pay for elimination of the social security earnings test.

The Senate reaffirms its commitment to repeal the social security earnings test, or substantially increase the Social Security earnings test, without raising taxes.

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BENTSEN AMENDMENT NO. 2771

Mr. BENTSEN proposed an amendment to the bill H.R. 5487, supra, as follows:

Strike all after the word "insert" and insert the following:

(a) FINDINGS.—The Senate finds that:

(1) Many older Americans remain in the work force after they reach age 65, or would like to do so;

(2) Under current law, the benefits of Social Security recipients are reduced by $1 for every $3 earned in excess of $10,200;

(3) This provision of current law penalizes these recipients and reduces their incentive to work;

(4) This penalty and disincentive should be eased as quickly as possible;

(5) The Senate approved, by a vote of 94–3 on April 7th of this year, an amendment to the Budget Resolution, whose purpose was to limit the levels of Social Security outlays and revenues assumed in the Resolution to current services levels; and

(6) Such limitation would ensure that, any new legislation will not reduce the levels of Social Security reserves, thereby endangering the payment of Social Security benefits to elderly and disabled beneficiaries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Social Security earnings test be eased in a manner which does not reduce the levels of Social Security Trust Fund Reserves.

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LEAHY AMENDMENT NO. 2772

Mr. BUMPERS (for Mr. LEAHY) proposed an amendment to the bill H.R. 5487, supra, as follows:

On page 57, line 6, before the "." insert the following: ": *Provided further*, That $400,000 of the amount made available under this heading in fiscal year 1992 shall be made available to the Vermont State Colleges in fiscal year 1992: Provided further, that $400,000 of the amount made available by this paragraph shall be made available to the Vermont State Colleges to construct maintain and operate additional educational and learning centers and to provide educational programming in fiscal year 1993"

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DOLE AMENDMENT NO. 2773

Mr. COCHRAN (for Mr. DOLE) proposed an amendment to the bill H.R. 5487, supra; as follows:

On page 57, line 6, insert before the ".", ": *Provided further*, That $400,000 shall be available to the North Central Kansas Electric Cooperative, Inc, Belleville, Kansas to repair wind and storm damage from an inland hurricane".

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SIMPSON AMENDMENT NO. 2774

Mr. COCHRAN (for Mr. SIMPSON) proposed an amendment to the bill H.R. 5487, supra, as follows:

On page 61, line 9, after "1982:", insert the following: "*Provided further*, That, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that proposes program participant criteria for electric and telephone borrowers under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.):".

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SIMON AMENDMENT NO. 2775

Mr. SIMON proposed an amendment to the bill H.R. 5487, supra, as follows:

On page 87, line 24, strike "$174,500,000" and insert in lieu thereof "$170,700,000".

On page 77, line 21, strike "$744,135,000" and insert in lieu thereof "$746,035,000".

On page 77, line 23, before the period insert *Provided further*, That $1,900,000 of the funds made available to the Food and Drug Administration shall be available to fund a clinical pharmacology pilot program."

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DOMENICI (AND OTHERS) AMENDMENT NO. 2776

Mr. DOMENICI (for himself, Mr. DOLE, Mr. MURKOWSKI, Mr. McCONNELL, Mr. DECONCINI, and Mr. LEAHY) proposed an amendment to the bill H.R. 3026, supra, as follows:

At the appropriate place, insert the following:

**SECTION . ADJUSTED COST OF THRIFTY FOOD PLAN.**

Section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11)) is amended by inserting before the period at the end the following: ", except that on October 1, 1992, the Secretary may not reduce the cost of such diet".

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BOREN (AND NICKLES) AMENDMENT NO. 2777

Mr. BOREN (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 5487, supra, as follows:

On page 57, line 6, before the period, insert ": *Provided further*, That $500,000 shall be available to the city of Seminole, Oklahoma industrial foundation to make improvements in the water and sewer system of the City of Seminole and its industrial sites sufficient to accommodate a major industrial expansion".

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BRYAN AMENDMENT NO. 2778

Mr. BRYAN proposed an amendment to the bill H.R. 5487, supra, as follows:

On page 87, line 24, strike "$170,700,000" and insert in lieu thereof "$75,000,000."

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BROWN AMENDMENT NO. 2779

Mr. BROWN proposed an amendment to the bill H.R. 5487, supra, as follows:

On page 93, after line 24, insert the following new section:

SEC. . (a) In the case of any applicant for assistance provided with funds appropriated under this Act, the applicant shall include the information described in section 6109 of the Internal Revenue Code of 1986.

(b) Any agency processing any application described in subsection (a) shall submit the information provided by the applicant (including the dollar value of the United States Government assistance to the applicant) to the Internal Revenue Service.

(c) On a written request from the Director of the Office of Management and Budget or the Director of the Congressional Budget Office, the Secretary of the Treasury shall furnish each such Office with—

(1) the dollar value of the United States Government assistance to the applicant; and

(2) any return or return information specified in the request, except any return or return information that can be associated with, or otherwise identify, directly, or indirectly, a particular taxpayer.

## BROWN AMENDMENT NO. 2780

Mr. BROWN proposed an amendment to the bill H.R. 5487, supra, as follows:

At the appropriate place, insert the following new section:

SEC. . None of the funds made available by this Act may be used to support the price of honey through loans, purchases, payments, or other operations under section 207 of the Agricultural Act of 1949 (7 U.S.C. 1446b) or any other provision of law.

## HARKIN (AND DECONCINI) AMENDMENT NO. 2781

Mr. HARKIN (for himself and Mr. DECONCINI) proposed an amendment to the bill H.R. 5487, supra, as follows:

On page 88, insert between lines 20 and 21, the following new section:

SEC. 731. No funds appropriated or made available under this Act, or any other Act, may be expended (with regard to the travel expenses of any employee in a position of a confidential or policy-determining character under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations, a noncareer appointee in the Senior Executive Service, or an officer serving in a position on the Executive Schedule, who receives pay from funds appropriated under this Act) during the period beginning on October 1, 1992 through November 4, 1992 in excess of the higher of—

(1) the amount of travel expenses incurred by the officer or employee serving in such position during the period beginning on October 1, 1991 through November 4, 1991;

(2) 10 percent of the amount of the travel expenses incurred by the officer or employee serving in such position during fiscal year 1992; or

(3) in the case of an officer or employee in a position which was established during fiscal year 1992, the median travel expenses of—

(A) in the case of a schedule C employee, all such schedule C employees in the executive branch of the Government during the period beginning on October 1, 1991 through November 4, 1991;

(B) in the case of a noncareer appointee in the Senior Executive Service (not otherwise covered under subparagraph (C)), all such noncareer appointees in the executive branch of the Government during the period beginning on October 1, 1991 through November 4,1991; and

(C) in the case of an officer in a position on the Executive Schedule, all officers in the same level of the Executive Schedule during the period beginning on October 1, 1991 through November 4, 1991.

## NOTICE OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing on Asian organized crime: Part 4.

This hearing will take place on Tuesday, August 4, 1992, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Daniel F. Rinzel of the subcommittee's minority staff at 224-9157.

SPECIAL COMMITTEE ON AGING

Mr. PRYOR. Mr. President, I ask unanimous consent that the Special Committee on Aging, be authorized to meet during the session of the Senate on Wednesday, July 29, 1992, at 9:30 a.m. to hold a hearing entitled "Grandparents as Parents: Raising a Second Generation."

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 28, 1992, at 2 p.m. to hold a hearing on health care fraud.

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

SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands, National Parks and Forests of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2:30 p.m., July 28, 1992, to receive testimony on the health of the eastside forests in Oregon and Washington and amendment No. 1442 to S. 1156, the Federal Land and Families Protection Act of 1991.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 28, at 10 a.m. to hold a hearing on United States and Chinese policies toward occupied Tibet.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Tuesday, July 28, 1992, at 10 a.m., for a hearing on comprehensive services for America's youth.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., July 28, 1992, to receive testimony from Hugo Pomrehn, nominee to be Under Secretary of Energy and John Easton, Jr., to be an Assistant Secretary of Energy for Domestic and International Energy Policy, Department of Energy.

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

COMMITTEE ON ARMED SERVICES

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, July 28, 1992, at 9:30 a.m., in open session, to receive testimony on the military implications of the START Treaty and the June 17, 1992, United States/Russian joint understanding on further reductions in strategic offensive arms.

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

SUBCOMMITTEE ON CONSUMERS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Consumer Subcommittee, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 28, 1992, at 9:30 a.m. on the Federal Trade Commission Reauthorization.

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

COMMITTEE ON PATENTS

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Subcommittee on Patents, Copyrights, and Trademarks of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Tuesday, July 28, 1992, at 10 a.m. on S. 1581, a bill to amend the Stevenson-Wydler Technology Innovation Act of 1980 to enhance technology transfer for works prepared under certain cooperative research and development.

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

## ADDITIONAL STATEMENTS

### HATE CRIMES

• Mr. SIMON. Mr. President, I would again like to bring to the Senate's attention the nationwide increase in acts of violence based on prejudice. These tragic incidents divide our country. They breed animosity and mistrust, and worst of all, they provoke further acts of violence. Only through an awareness of the magnitude of the problem, can we work to break this self-perpetuating cycle of bigotry and violence.

Today, I wish to direct your attention to the recent racially charged brawl at Olivet College, in Olivet, MI. Unfortunately, this is not an isolated incident in our Nation's schools. It is only a chilling example of the bigotry,

xenophobia, anti-Semitism, and homophobia that appears at too many of our colleges and universities.

Congregational Church missionaries founded Olivet College in 1844. Since that time, the interracial student body has enjoyed a spirit of peace and cooperation. The events in early April shattered this spirit and threatened to replace it with an atmosphere of fear and mistrust.

On April 1, a female white student stated to the police that four black students assaulted her in a park near the Olivet campus. Police viewed her story with skepticism. The incident, however, was not forgotten. Fires were set in trash cans on a dormitory floor where many black students live, and rumors began to circulate that white students were planning an attack on black students in retaliation for the alleged assault.

The next day, another female white student claimed to receive a threatening phone call alluding to the prior alleged assault. She called her sorority house, where some fraternity members were visiting and named three black students as the ones who had made the threatening call. A group of the fraternity members, all of whom were white, volunteered to check on her. In her dorm lobby, the fraternity group met with two of the students who allegedly made the threatening phone call. The students began shouting racial epithets and insulting names at each other. The shouting escalated into a brawl involving nearly 70 students. Two students were injured in this racial melee; and, as an injured black student was being led away, people in the crowd shouted, "run, niggers, run."

As you can imagine, this violence seriously damaged race relations within the college. Students, who used to be friends, were now suspicious of one another. One student who made conciliatory statements, reports that he received "hate mail from whites all over this State." Fearing for their safety, a majority of the black students left the campus before the end of their spring term and completed their courses by mail.

Olivet College now must concentrate on overcoming this tension. The most promising measure, to hear the strained race relations on campus, is a new $100,000 multiculturalism program authorized by the trustees. Healing, however, promises to be slow. Idris Fountain, who leads an eight member black group that decided to remain on campus, believes that it is important to stay on campus to make a stand. According to Fountain, "Right now we're in the midst of a civil war on this campus, and you can't turn your back on it. You have to face it."

Mr. President, we must not only face overt acts of violence and bigotry, but we must also work to prevent such violence. Unfortunately, the absence of overt bigotry does not make any community immune to the problems of hatred. The violence at Olivet proves this danger. Olivet student, Robert Hunwick, teaches us the importance of being aware of tension and hatred. "I personally didn't see it—the hatred that exists. I didn't see it on this campus, but it's there."•

## SALUTE TO FRANK R. LEWIS, JR., MD

• Mr. DASCHLE. Mr. President, I rise today to pay tribute to a distinguished surgeon, Dr. Frank Russell Lewis, Jr. For the past 4 years, Dr. Lewis, a professor and vice chairman of the department of surgery at the University of California, San Francisco, has served as the surgeon-in-chief of the world-renowned San Francisco General Hospital. He has sustained and enhanced the proud traditions of that institution, and has been responsible for surgical care of the injured of San Francisco City and County, and, indeed, for many others in northern California.

As an investigator, Dr. Lewis has been a leader in developing a better understanding of the physiologic response to injury and shock, and has served as president of the Shock Society. He has chaired the Trauma Outcomes Task Force of the Joint Commission on the Accreditation of Hospitals, and is the chairman of the Executive Committee of the Board of Governors of the American College of Surgeons. He also serves as a member of the residency review committee for surgery.

Dr. Lewis has been a leader in delineating and promoting the best possible approach to the care of the trauma patient: the prevention of the injury itself. He has been a key adviser to the Centers for Disease Control and to the Health Resources Services Administration and the U.S. Public Health Service.

As Dr. Lewis leaves the San Francisco General Hospital, his leadership, scholarship, and surgical skill will serve as an enduring inspiration not only for his colleagues in San Francisco, but for all who care for the injured. I am proud to salute Dr. Frank R. Lewis.•

## DEMOCRATIC HISPANIC TASK FORCE FIELD HEARING

• Mr. SIMON. Mr. President, I ask unanimous consent that the final group of testimony from the field hearing of the Senate Democratic Hispanic Task Force on Issues Facing the Hispanic Family be included in the RECORD at this point.

The material follows:

UNIVERSIDAD POPULAR,
*Chicago, IL, May 4, 1992.*

To: U.S. Senate Democratic Hispanic Task Force.

From: Universidad Popular Community Based Organization.

Re: To express our views and demands to shed some light on Latino issues from a personal level.

DEAR SENATOR SIMON: Universidad Popular takes the opportunity to be present in those meetings that can help us to continue our mission. Today we want to express and share with you some of the concerns and demands that we feel are just ones in a society that boasts to provide equality for all, but does not do so in practice. We would also like to thank Illinois Senator Paul Simon for the help he provided us in passing the book, "Making It Against All the Odds or an Immigrant's Odyssey To the U.S.A." into the United States of America Congressional Record Proceedings and Debates of the 102d Congress, First Session, Vol. 137, No. 73 on Wednesday, May 15, 1991.

We are participants in a small Latino community agency, that is nevertheless large with respect to the number of people receiving services. The agency had its humble beginnings in the early seventies. Throughout these years the agency has had to continually struggle for each and every day of its existence. We have managed to stay afloat through many sacrifices by the countless and now nameless people that have helped Universidad Popular stay alive. Our agency knows for a fact that unless we eradicate the problem of illiteracy once and for all, the critical problems that the U.S. faces now will never go away. Only through educating our people will our nation remove these malignancies from our communities and our country. It is by no mistake that our mission and our purpose states that our method is Education by, for and with the people.

Now, there is a myriad of specific problems that we as participants, staff and administrators are facing because of budget cuts and continual economic doom. As far as continuing services for our community, we have been forced to service the same if not larger number of people with less money, and consequently with less personnel. This hinders the quality and development of our program itself. To expedite the federal monies to community education agencies, we propose that middlemen like Public Libraries and others such institutions be taken out of the bureaucratic process of money allocations to agencies like ours. We feel this is the best way to channel these funds.

We would like to have, as always, your imput and opinion, please write us to:

Universidad Popular, 2750 W. North Ave., Suite 204, Chicago IL 60647.

PILSEN NEIGHBORS COMMUNITY COUNCIL,
*Chicago, IL, May 4, 1992.*

Senator PAUL SIMON,
*State of Illinois.*

DEAR SENATOR: We as a community feel strongly that the children in Pilsen are currently inadequately served by the Chicago Public Schools. Without exception, our children attend overcrowded schools. The average class size in Pilsen is 34: some of our children sit in class rooms with as many as 38 other children. Worse, other children are taught in hallways, closets, converted gymnasiums, or share space with the lunchroom. Too many of our children are forced to have classes in dilapidated mobile units. These are not only physically ugly and smelly places, they are a safety and security hazard as well. Too many of our children are being warehoused in facilities operated by the Chicago Public Schools: education is secondary.

Overcrowded schools are not a new problem in Pilsen: they have become a way of life here. In spite of that fact, Pilsen has had

only two new elementary schools built since the turn of the century. Less than a year after these two schools were opened, they too were overcrowded. As of September 1991, close to 1500 of our children were being bused out of our community because the schools simply did not have any more space for them. The anticipated closing of Providence of God Catholic School this spring will add 167 more children who need more classroom space in Pilsen schools.

Although compensatory programs, such as Federal and State Chapter 1, are offered in all of our schools, their effectiveness is hampered by the lack of inadequate space. The same holds true for bilingual and ESL services, and special education services. Psychologists, nurses, social workers, vision and hearing testers, and counselors are equally handicapped in their delivery of services by the lack of space. Consequently, our children are simply not being well served.

Many of our children are considered "at risk" when they enter school. As such, they should be provided with the best possible services in the most optimum environment in order that they get the most benefit from their schooling. Unfortunately, in Pilsen, less than 20% of those eligible are provided with a pre-school education. In too many schools where pre-school education is available, the students already attending the school were further squeezed together in order to find space for the pre-school program. We rob Pedro to provide for Pablo. Academic achievement is only a dream for the majority of our children. On average, only one in four achieves at or above grade level. Is it any wonder that approximately 70 percent of those who enter Benito Juarez High School (presently at 147 percent capacity!) drop out before they graduate?

We, parents and community members, are familiar with the educational research that finds that smaller schools (with populations of approximately 600) are the most effective. That is, smaller schools provide students with a better opportunity to learn. In fact, that Board of Education for the city of Chicago has recognized that smaller schools are more effective.

In order to provide a better education to the students of Pilsen, we are asking the State of Illinois to:

1. Allocate additional funds to construct at least four additional new elementary schools, and at least one new high school in Pilsen. (Student enrollment is expected to increase by 30 percent in the next ten years, i.e. by approximately 3200 students.)

2. Allocate funds to rehabilitate existing buildings to bring them up to a level where you would want your own children to attend.

3. Immediately replace existing mobiles with demountable units.

4. Build demountable units at all overcrowded schools to provide space for preschool programs.

The State of Illinois should be exploring ways of increasing services to Pilsen, of providing our children with additional opportunities to get a basic education instead of balancing its budget at the expense of our children's future. We are asking that you, Paul Simon, Senator of Illinois deliver on these concerns.

ANGELA TORRES,
CHAIRPERSON,
*PNCC Education Task Force.*

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ALIVIO MEDICAL CENTER,
*Chicago, IL, May 1, 1992.*

To: United States Senate Democratic Hispanic Task Force.

From: Carmen Velasquez.

My name is Carmen Velasquez and I am the Executive Director of Alivio Medical Center. Alivio is located in the middle of the Mexican Communities of Pilsen, Heart of Chicago, Little Village and Back of the Yards. Alivio is a not for profit comprehensive primary community health center that is three years and three months old. To date, we do not have federal, state or city funding.

Alivio Medical Center is a community owned health center—owned by the community through its Board. We own clear title to our facility which is valued at 2.1 million dollars. This facility was paid for by the support of private

undations and corporations.

Alivio realizes that we cannot serve the noninsured and working poor without the help of significant others and this includes our government. Our community is part of those 37,000,000 people in this country without insurance or limited insurance, that hardly covers themselves, much less their families.

I came here today, because our community needs your help. The message to Washington is fund our health needs! If we do not have you as a significant partner, Alivio will not survive as a viable entity!

I view the United States Senate Democratic Hispanic Task Force for the 102d Congress as one of the most important groups of people who will touch every Hispanic neighborhood in the country.

Our issues are many; education, employment and health care are critical to the survival of our families. We need your help.

Thank you for allowing me to speak to you on this critical issue.

ALIVIO MEDICAL CENTER, INC., STATEMENTS OF REVENUES AND EXPENSES FOR THE YEARS ENDED JUNE 30, 1991 AND 1990

| | 1991 | 1990 |
|---|---|---|
| Revenues: | | |
| Net patient service revenue | $411,268 | $104,873 |
| Grants and contributions | 358,624 | 318,480 |
| Other operating revenue | 34,987 | 8,756 |
| Total revenues | 804,879 | 432,109 |
| Expenses: | | |
| Salaries, wages and benefits | 650,898 | 477,065 |
| Depreciation | 104,856 | 89,117 |
| Provision for bad debts | 66,379 | 24,892 |
| Insurance | 54,093 | 29,287 |
| Supplies | 53,272 | 40,245 |
| Other | 280,790 | 202,998 |
| Total expenses | 1,210,288 | 863,604 |
| Excess of expenses over revenues | (405,409) | (431,495) |

Note.—The audited financial statements are available upon request.

HISTORY AND SERVICES

In 1986, Hispanic community leaders formed a committee to address the problem of inadequate health services in the Hispanic community. Out of these meetings grew "Project Alivio," a concept for a comprehensive, bilingual health care center serving the near south side communities of Pilsen, Little Village, Heart of Chicago and Back of the Yards.

Alivio's founders were risk-takers, not dreamers. They saw an acute need and developed a plan to address it. With the backing of Mercy Hospital and Medical Center, they embarked upon a $2.1 million capital campaign for the land, the construction of the building and its equipment.

With "Project Alivio" underway, the founders commissioned a survey to document the health care needs in the community. Tocar el Corozon, or To Touch the Heart, as the study was called, was conducted by the Latino Institute in 1987. It brought to light a variety of characteristics of the target population that were to shape the services Alivio provides today. For example, youthfulness and high fertility rates indicated the need for the center's current emphasis on pediatric, obstetric and gynecological services.

The study also confirmed the importance of culturally sensitive medical services, which take into account the beliefs and values of the community. Today, our culturally sensitive health services and educational programs are gradually overcoming one of the most critical barriers to good health: the failure to understand the effects of a person's lifestyle on his or her own well-being.

When Alivio opened its doors in 1989, Mercy Hospital and Medical Center acted as its fiscal agent. While maintaining a good relationship with Mercy, Alivio became financially independent on March 1, 1992—thereby taking another step in its growth as a community health care institution. On March 20, 1992, Alivio was designated by the federal government as a Federally Qualified Health Center. As a result, the State of Illinois will increase Alivio's reimbursement for public aid patients from $18 to $70 per patient encounter.

DIRECT MEDICAL SERVICES

Program Goal: To alleviate cultural and economic barriers to health care through the delivery of affordable and quality bilingual and bicultural primary care to the predominantly Hispanic communities of Pilsen, Heart of Chicago, Little Village and Back of the Yards.

Total Number Served: 15,000 patient encounters in 1991–92.

Health care at Alivio addresses all five stages of life: prenatal, pediatric, adolescent, adult and geriatric. Philosophically, Alivio is committed to providing community-based health care in the context of the family, cultural respect, understanding and the dignity of the individual. Alivio emphasizes health promotion and disease prevention through primary preventive strategies, such as immunization and family planning, and secondary prevention methods, such as tests and screenings based on age, gender and medical history.

HEALTH CARE FOR MOTHERS AND INFANTS

Program Goal: To reduce the infant mortality rate, the incidence of pre-term and C-section deliveries, and the incidence of spontaneous abortions in the service areas. To provide continuous post-partum care for infants and their mothers. To provide preventive health care for children emphasizing parenting skills, nutrition, and health and safety education.

Number Served: 11,250 in 1991–92.

For mothers and infants, who make the majority of our patients, Alivio provides extensive prenatal and post-partum care.

As the result of aggressive community outreach, Alivio has been able to reach 80% of its pregnant patients in the first trimester of pregnancy—an important first step in the delivery of a healthy child. When high-risk pregnancies are indicated, Alivio refers patients to Mercy Hospital and Medical Center where they are provided a discounted prenatal package as Alivio patients. Alivio's approach to prenatal care emphasizes the values of nutrition, exercise, and breastfeeding. Patients attend classes in the Kraft Nutrition Room.

The key to proper post-partum care is education and maintenance. Building on its successful volunteer efforts to encourage

breastfeeding, Alivio is developing a volunteer-based community outreach program for in-home follow-up of all healthy newborns and mothers. Alivio uses the Periodic Health Survey protocol for screening schedule of newborns through adolescents; two weeks, two months, four months, six months, one year, 15 months, 18 months and yearly thereafter. Aggressive yet sensitive community outreach efforts are made to eliminate possible obstacles to post-partum care by providing appropriate assistance, such as babysitting, in-home follow-up, financial assistance, etc.

A computer retrieval system allows Alivio's staff to follow-up with patients who miss scheduled visits.

HEALTH EDUCATION AND PROMOTION

Progam Goal: to increase the Hispanic community's knowledge and practice of healthy behaviors; to increase the community's knowledge of behaviors leading to ill health; and to reduce illness and foster good health through educational programs, health fairs, immunization campaigns and support groups for the Hispanic family.

Number served: 1,400 individuals in 1991–92.

The Hispanic population in Alivio's service area is faced with a number of chronic health problems: heart disease, obesity, stroke, diabetes, cirrhosis of the liver, high infant mortality and substance abuse. Significantly, the incidence of each of these health problems can be greatly reduced by health education and promotion.

Alivio offers a wide range of prenatal, parenting and nutrition classes as well as drug and alcohol abuse counseling for adolescents and adults and support groups promoting wellness. Each is offered in both English and Spanish.

One of our most exciting education initiatives is the new parenting program, "Los Ninos Bien Educados." Developed under the English language name "Well Educated Children," and later adapted by Hispanics to be culturally sensitive to the Hispanic family, this 12-week, comprehensive, parenting skills program was previously a great success in California. "Los Ninos Bien Educados" is rooted in the Mexican-American culture and addresses issues as disparate as speaking Spanish in the home, behavior modification, discipline and gangs. Since Alivio began offering the program in 1990, 115 parents have graduated from the course.

In the spirit of broader, community-wide health promotion, Alivio sponsors an annual "Alivio y Salud" ("Alivio and Health") Run in April. The event is multi-faceted, including 10K and 5K runs and a 2K walk. Students at local schools, their parents and teachers, and even senior citizens are encouraged to participate. In conjunction with the event, physical fitness workshops are given in local schools to increase children's awareness of health issues. The second annual "Alivio y Salud" will take place on April 5, 1992.

HEALTH CAREER AWARENESS AND ADVANCEMENT

Program Goal: To increase the representation of Hispanics in the health care professions through placement and advancement programs for current health professionals and awareness programs for children.

Number of participants: 320 students; 30 health professionals in 1991–92.

There is a critical shortage of health care professionals in Alivio's service area.

Part of the solution is to train more Hispanic health care professionals. Hispanics are more likely to practice in impoverished Hispanic communities. And, if they are bilingual and bicultural, they can offer more culturally sensitive medical care to the community.

Alivio is helping to fill the gap by sponsoring programs such as the Physicians Review Course. This program prepares Hispanic physicians trained in other countries to take the appropriate U.S. licensing exams. For many, this is not an easy task—they are taking extremely rigorous and technical examinations in a foreign language. Often, Spanish-speaking doctors from other countries work in the United States as laborers or medical technicians while attempting to obtain a license to practice in this country. Many never become doctors here.

Our Physician Review Course is moderately priced and comfortably housed in Alivio's library and research center. The Physician Review Course has recently been made available to Spanish-speaking students trained in American universities. Since Alivio began the Physicians Review Course in July, 1990, five physicians in the program have obtained their license to practice in the United States.

Alivio also stimulates interest in health care careers among the Hispanic high school students. With help from the Mayor's Employment Training Program, the Illinois Institute of Technology and the Chicago Public Schools, Alivio encourages students to consider the wide variety of health careers available to them, and provides guidance to those pursuing health care training.

RESEARCH AND EVALUATION

Program Goal: To implement an evaluation plan, cooperatively designed by Alivio Medical Center and the University of Illinois that will provide new knowledge of Hispanic health care needs.

Hispanics are America's fastest growing ethnic population. Yet there are few initiatives addressing the Hispanic community's health care needs. Research conducted by Hispanics would be particularly useful—as it is far less likely to incorporate inaccurate cultural assumptions.

Alivio Medical Center is therefore documenting and evaluating all of its patient care services. Beyond verifying the fulfillment of Alivio's mission, this documentation promises to provide new knowledge in the area of health care for Hispanics. To make the best use of this research material, Alivio has linked up with the University of Illinois in the implementation of an ongoing research and evaluation program.

Alivio utilizes the U.S. Department of Health quality assurance protocols to evaluate the quality of its work. Continuity of health care over a period of years is needed to reach appropriate conclusions. At the end of an initial five-year period, Alivio Medical Center and the University of Illinois will document conclusions based upon the material gathered and evaluated.

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ILLINOIS HISPANIC HUMAN SERVICES ASSOCIATION

This is the testimony of Joseph M. Martens, Coordinator of the Illinois Hispanic Human Services Association, a fourteen-year-old organization that represents community-based human service agencies and providers in promoting the advancement of human services for Hispanics through advocacy, networking, policy analysis, information, research, and resource development. We are pleased to provide testimony for the United States Senate Democratic Hispanic Task Force here at this hearing on May 4, 1992, in Chicago chaired by you, Senator Simon. We want to first thank you again for your efforts and support last August in obtaining federal funds to provide funding for a citywide Chicago Hispanic Health Coalition, a project coordinating the efforts of 38 Hispanic and other agencies in health promotion.

The Illinois Hispanic Human Services Association calls upon the U.S. Immigration and Naturalization Service, under the provisions of the Immigration and Reform Control Act of 1986, to renew for next fiscal year its funding of the SLIAG health program to Chicago at the present level of $1.5 million. During the first year of funding, the Chicago Department of Health established a new clinic in the Pilsen-Little Village area, the largest Mexican community in the midwest and a port of entry for those coming to Chicago. The Chicago Department of Health also began providing funding to thirteen Hispanic community-based agencies (and to Chinese and Polish community agencies also) to teach eligible legalized aliens about the local health system; assisting mothers and their families in the basics of preventive health practices, such as immunizations and screening for lead poisoning for the children, mammograms and pap smears for screening for breast cancer for the mothers; and education about HIV/AIDS, sexually transmitted diseases, and tuberculosis, all diseases greatly affecting the Hispanic community. This community-based program already is successful in its efforts. By September, fifteen bilingual/bicultural community workers will have gone door to door in the targeted communities and identified 1,500 families for a total of over 7,500 high-risk individuals, teaching them the basics of health care and accompanying them to neighborhood clinics for needed treatment and preventive services. These dedicated workers are providing vital health education and other human services to these immigrants who came to this country for a better life for themselves and their children. This program has already demonstrated its effectiveness in reaching out and helping our citizens-to-be. We call for federal funding of $1.5 million to provide a second year for the SLIAG health program for Chicago, and ask that Senator Simon join in this effort by supporting this request for continued federal funding of the Chicago project at this $1.5 million level.

INTRODUCTION

The Association Pro-derechos Obreros (APO) was founded in 1962 by Latino workers and other residents with the aid of Rev. Michael Cody from the Cardinal's committee and Rev. Pedro Rodriguez from St. Francis of Assisi Parish.

Our first priority is to defend and advance the rights of Latino workers in Chicago. We have organized campaigns against job discrimination and unemployment as the main obstacles to economic advancement for Latinos. Therefore, we struggle for unity between the community and the organized labor to bring about fair employment practices by employers.

Throughout it's 22 year existence, APO has made many contributions to the advancement of the Latino community in Chicago.

APO was born out of the struggles of workers at the National Video plant. In the next seventeen years, many of APO's greatest successes have come from struggles against the discriminatory policies of employers, both private and public. In recognition of this work APO was asked—and agreed—to host the Founding Conference of the National Congress of Unemployed Organizations in July 1983.

HISTORY

In 1961 the Latino workers at National Video factory grew tired of their low pay, poor working conditions, and the indifference shown by the officials of their union toward their complaints and grievances. They decided to launch an independent struggle for their rights.

Since that first battle, APO has continued the struggle to better the living conditions of Latinos and has participated in efforts to defend the rights of all workers whenever those rights have been violated.

In addition to winning many struggles for hiring Latino workers by employers in the Latino community, APO led and participated in other campaigns that opened the door of opportunity for Latinos in many other fields of employment.

CTA: In 1972 our research showed that of a total workforce of 12,616 workers, the Chicago Transit Authority (CTA) employed only 246 Latino workers. (Fewer than 2 percent of the workforce while the Latino population of Chicago was then at over 13%). Together with other community organizations, APO organized a campaign against these discriminatory practices. Eventually, entered into negotiations that resulted in the fact that today 15 percent of the CTA workforce is of Latino origin.

St. Lukes Hospital: In February 1976, St. Luke's Hospital terminated a laboratory technician who was a member of APO. She asked for help, charging the hospital with discrimination—speaking. In the process of verifying her claim, APO found that, although the hospital was located in a community where 14 percent of the population was Spanish-speaking, there was only a token number of Latinos on the payroll. We, together with other community groups and some predominantly Latino parishes, began a campaign demanding that the hospital hire more Latinos. Many demonstrations were organized. Eventually some labor lawyers helped initiate a class action suit against St. Luke's Hospital. At this moment, employment of Latinos in the hospital has increased significantly.

A&P: In 1977 after receiving numerous complaints from Latinos, APO discovered that less than 4 percent of the A&P workforce was Latino. APO and other Pilsen community organizations campaigned to demand more jobs for Latinos in the Chicago area A&P stores. After a protracted struggle A&P reached an agreement with a coalition of Pilsen community organizations, increasing the number of Latinos at A&P to more than 15 percent. A&P further agreed to include Latinos in their Managerial Training Program.

Greyhound: In 1980, APO began campaign against the Greyhound Busline Corporation's long history of employment discrimination against Latinos, especially against Latinos wanting to become bus drivers. (Our research showed there was only one Latino among the 300 Greyhound drivers in Chicago.)

When APO first approached Greyhound with our demand that they hire Latino bus drivers, Greyhound denied any discrimination, claiming, instead, that few Latinos were interested in working for Greyhound. APO replied to this claim by presenting Greyhound with a large number of driver applicants from Latinos as well as applicants for other job categories.

In its struggle against Greyhound, APO gained the support of civil rights agencies such as the EEOC and national organizations such as the League of United Latin American Citizens (LULAC) and the Mexican American Legal Defense * * *. In November 1980, Greyhound agreed to come to the Latino community to review applicants for bus operators and assured APO that 50% of its bus driver trainees for 1981 would be Latinos and promised a similar percentage in subsequent classes, agreeing further, that this arrangement would be in effect until Latinos represented 20 percent of Greyhound drivers.

Streets and Sanitation: As a result of the activities of a city-wide Latino Coalition (of which APO was a member), a number of jobs on the Streets and Sanitation Department of Chicago were allocated for Latinos.

Thus, when the Department of Streets and Sanitation contacted community organizations in 1980 to announce that they had temporary openings for Latin workers, APO and other organizations, established counseling services to assist workers in making the transition to these new job opportunities.

Jewel: When Jewel began constructing a store in the Pilsen area in 1980, APO decided the time had come to challenge Jewel's discriminatory hiring policies against Latinos. APO was able to organize a coalition with three other local organizations that was able to negotiate an agreement with Jewel on the hiring of Latinos at the new store.

At first, Jewel would only promise the coalition that ⅓ of the new jobs would be given to Latinos. But later, following several public meetings and after APO mobilized more than 300 young Latino applicants, Jewel agreed that 145 of the 189 new employees would be Latino, bringing the store's total Hispanic workforce to approximately 50 percent of the total.

Thus after 6 months of negotiations and struggle, APO had again succeeded in securing jobs for a significant number of Latinos. By its own example and through the building of coalitions, APO has been able to provide effective and much needed leadership in uniting different forces in the community to more effectively fight for affirmative action.

People's Gas: In May of 1981 the campaign against People's Gas began, and by the end of the year 25 Latinos were hired in what the company called a sign of good faith.

These are only some of the campaigns that APO has organized in its struggle for more jobs for Latino workers. Others, to list a few, are in the construction trades and Post Office.

APO achieved all of these, relying solely on volunteer work by its members until 1980 when an organizer was hired with funds provided by the Chicago Campaign for Human Development.

ORGANIZATIONAL STRUCTURE

In organizational structure, APO's base is its membership, whose activities are directed and coordinated by a staff working in conjunction with a Board of Directors. APO is a volunteer community organization, hence, its members all subscribe to the ideals and goals of the organization.

The other component of the Organizational structure, is the Board of Directors. The Board members are elected every two years for their positions by vote of the membership at the annual meetings of the APO General Assembly. The Board meets every week to discuss the issues, problems and activities of the organization.

The third component of the structure is the Staff. Individually and collectively, the Staff is responsible for maintaining the office in operating order, attending meetings on different issues, participating in community forms and other functions, doing the necessary research for campaigns, raising funds for the organization, informing the members of developments pertaining to APO, doing follow-ups on past campaigns, and implementing the decisions made by the members at the General Assembly.

Since 1982 the Association has responded to many requests for solidarity with workers fighting to save their jobs and to protect their union contracts. And because of our experience and reputation in the community, APO has been asked to help unemployed workers throughout the city to organize in order to find solutions to their basic needs and problems.

PROJECT OBJECTIVE

Association Pro-Derechos Obreros/Association for Workers' Rights (APO) tries to contribute to the economic development and urban revitalization of the Pilsen community through the rehabilitation of the Smyrna Temple.

It is envisioned to make the building into a viable social and cultural center, that will increase the touristic attractions that the community already has.

At the present, APO is in the process of spinning-off a development corporation which would undertake the rehabilitation, management and operation of the building. It is expected that the procedures will be completed by December of 1984.

Statement: Association Pro-Derechos Obreros will spin-off a development corporation to undertake the rehabilitation and management of the Smyrna Temple. It is planned that all the incorporation procedures will be completed by the end of the present fiscal year.

The rehabilitation of the building will have a multiple impact on several of the most severe problems this community is facing right now: a) unemployment and b) the low educational attainment, besides of having other effects as described below:

JOBS

(a) During the Rehab process, 150 construction jobs (skilled and semi-skilled) will be created.

(b) Once the rehab process is completed, there will be a need for 15 full time employees, to form the new corporation's regular staff. It is estimated that other 15 people would be hired on a part-time basis.

REVITALIZATION OF THE PILSEN COMMERCIAL STRIP

Preliminary studies on the rental possibilities of Smyrna Temple show that there would be a significant demand for renting space at this location. Private schools, social services agencies, artists, and professionals were interviewed in the survey. The concensus is that they foresee business conveniences by moving into the building. Practically, a 90% occupancy is assured if the building is renovated. This situation would enhance the commercial opportunities located around the area.

Pilsen is already a touristic attraction because of its murals, architectural values, and its good restaurants. The building, with its cultural events and constant art exhibits, would increase the number of tourists. This also would capture more money poured into the area.

EDUCATION

As shown in the 1980 census data, this community has one of the lowest levels of educational attainment in the city. Part of the two multi-purpose halls of the building can be used to host training programs which would further the education and marketable skill of the residents.

CULTURE

At the present time, there is no place or center in the city of Chicago, where Latino artists can exhibit their work periodically and a systematic way. The Latino population has no place where they can appreciate multiple representation and expressions of their rich cultural heritage. The building would have enough space to hold several exhibits simultaneously, in addition to housing other social and cultural activities.•

## WASTED HEALTH CARE DOLLARS

• Mr. WELLSTONE. Mr. President, the current issue of Consumer Reports contains a very informative and timely article entitled "Wasted Health Care Dollars." In view of our continuing consideration of legislative proposals for health care reform, and as a part of our continuing education on this subject, I ask that this article be included in the RECORD.

The article follows:

[From Consumer Reports, July 1992]

WASTED HEALTH CARE DOLLARS

This report examines the forces behind the current crisis in health-care costs. The next two reports in this special series will look at the possible solutions.

One approach to cost control, pioneered by health maintenance organizations, is to "manage" medical care in detail. The management can include such practices as restricting patients to a single primary-care doctor who must approve all specialist referrals; penalizing doctors who order too many tests or procedures; and preapproving elective hospitalizations. In our next report, we'll rate HMOs and examine how well managed care actually contains costs.

Another approach is to set overall spending limits and stick to them, while otherwise leaving doctors and hospitals to practice as they see fit. That's what other industrialized countries, including Canada, do in various ways. Part three of our health-care series, scheduled for the September issue, will take a close look at the Canadian system, among others, and will analyze the criticisms that have been leveled against it by U.S. health-care providers and insurers.

Finally, we'll outline the health-care reform proposal that Consumers Union favors as providing the best combination of universal access, quality care, and cost containment.

Of the $817-billion that we will spend this year on health care, we will throw away at least $200-billion on overpriced, useless, even harmful treatments, and on a bloated bureaucracy. We are no healthier than the citizens of comparable developed countries that spend half what we do and provide health care for everybody. In fact, by important measures such as life expectancy and infant mortality, we are far down the list.

If the wasted money could be redirected, the U.S. could include those now shut out of the system—without increasing the total outlay for health care and without restricting the availability of $100,000 bone-marrow transplants or $40,000 heart operations to those relatively few who need them.

I can't imagine a system that's more dysfunctional than the one we have now—more expensive, not doing the job, with more waste," says Dr. Philip Caper, an internist and medical policy analyst at Dartmouth Medical School. Although the total amount of waste in our health-care system is difficult to estimate, researchers have now examined many of the system's components, with consistent results. For a wide range of clinical procedures, on average, roughly 20 percent of the money we now spend could be saved with no loss in the quality of care. By restructuring the system, we could also save almost half of the huge amount we now spend on administrative costs (see "The $200-Billion Bottom Line," page 436.) A more efficient system would also make it much easier to detect health-care fraud—a problem that the U.S. General Accounting Office has estimated to cost tens of billions of dollars a year.

While these facts are well known to students of the health-care system, they've been remarkably absent from the debate that's developing over health care in this election year. Politicians and lobbyists for health-care providers have presented the public with a daunting choice: If we want to provide every American with access to health care, they say, we'll either have to pay much more into the system or accept lower-quality medical services.

However, such scenarios assume that the current price structure for medical care, and the current patterns of treatment and hospitalization, will remain fixed. They needn't, and they shouldn't. Our health-care system is so inherently wasteful and inefficient that a complete overhaul is an option worth contemplating. It may, in fact, be the only option that makes sense.

The waste in the system comes from many sources. We receive a great deal of care that we don't need at all. The care we do need is delivered inefficiently. And the futile effort to control a runaway system has created a huge bureaucracy that by itself sucks up more than a hundred billion dollars a year.

30 YEARS OF INCREASES

By now, it's hardly news that health costs have spiraled out of control. Health care now consumes about 16 percent of state and local tax revenues. In the years since 1986, private businesses have spent about as much on health care as they earned in after-tax profits. For small businesses, insurance has become unaffordable; three of four concerns employing 10 or fewer people simply don't provide health benefits. At any given time, roughly 35 million Americans—most of them employees of small businesses or their dependents—have no health coverage at all.

Over the last 10 years, Government and private business, appalled to health care absorbing an ever-growing portion of their revenues, have tried to get a grip on its costs in various ways. But costs have risen as fast as ever. "As quickly as payers patch the system up, the providers find the spaces between the patches," says Maryann O'Sullivan, director of Health Access, a California consumer coalition.

Our health-care system doesn't just allow prices to rise—it practically demands that they do. Although some recent reforms have had a modest effect, the system has traditionally allowed doctors to order whatever procedures they want, and has paid both doctors and hospitals whatever they think they should get.

In both respects, the American system stands alone in the developed world. Though the particulars of their systems differ, Canada, Japan, and the Western European countries all have adopted universal, standard payment schedules set by direct negotiation with doctors and hospitals. In addition, most have set an overall ceiling on national medical expenditures. As a result, not a single developed country other than the U.S. devotes more than 10 percent of its gross national product to health care. The U.S. broke that barrier in 1985; this year, the nation will spend 14 percent of the GNP on health.

It wasn't always so. Back in 1960, the U.S. spent a modest 5.3 percent of its GNP on health care, about the same as other industrialized nations like Canada or Germany did at the time. What changed everything was the advent in 1965 of Medicare, which ultimately had implications far beyond the over-65 population it served.

Before Medicare, private insurance companies covered the population less extensively than they do today. All the insurers left treatment completely to the doctor's discretion and provided reimbursement for any test or treatment a physician ordered. But because a large percentage of people had only hospital coverage, and no insurance to cover doctors' bills, physicians tended to keep fees at affordable levels.

In 1965, Congress enacted Medicare, the vast, Government-financed program of social health insurance for the elderly, along with the less extensive Medicaid program, in which the Federal Government shares costs with the states. In order to overcome the powerful, sustained opposition of doctors and hospitals to what they called "socialized medicine," Congress made a fateful—and, in retrospect, very expensive—decision. Under Medicare, all doctors were paid on the basis of their "usual and customary" fees for a given service (the system that Blue Shield was already using).

This approach, which allowed each individual physician to name his or her own price, soon became universal throughout the insurance industry. So as more and more employers began offering major-medical plans that covered doctors' bills, they bought into a system with no effective constraints on costs. Predictably, doctors' fees began a rapid upward climb.

Hospitals profited as well. Under Blue Cross, which had dominated hospital insurance, hospitals were paid only a daily room charge, plus additional fees for various services, tests, and supplies. Under Medicare, however, the hospitals were not only able to collect their actual charges; for the first time, they were allowed to build the cost of capital improvements into their rates. Hospitals, which had been receiving Federal subsidies for growth since the late 1940s now got another incentive to expand.

After Medicare, U.S. health-care expenditures turned more sharply upward. For a time—perhaps a decade or more—no one seemed to notice or care. But over the past 10 years or so, as costs have become truly staggering, the system has begun to change. Medicare has set limits on physicians' fees for several years, and private insurance companies have begun reviewing many procedures doctors perform before they will pay for them. Medicaid budgets have been steadily cut back, to the point where many states now pay doctors and hospitals less than the cost of delivering care.

Experience has shown, however, that attempts to manage the health-care system a piece at a time are likely to fail. Physicians and hospitals can charge their privately insured patients more to make up for Medicare's fee restrictions. And doctors and patients alike have resisted efforts by insurance companies to determine what is appropriate and necessary treatment, having grown used to a system that has provided as much medical care—to the insured population, that is—as anybody wants.

NO SENSE OF LIMITS

Having operated for years under a system that sets virtually no limit on what can be done or what can be charged, both doctors and patients have been seduced by the idea that, when it comes to treating sickness, it's necessary to do "everything."

"We want more. We want more time with the doctor. We want more procedures. We want more pills," says Randall Bovbjerg, a health-policy analyst at the Urban Institute in Washington, D.C. "We can't sit and watch the course of a cold; we go and buy tons of things we aren't even certain will make it better."

"Imagine if we sold auto-purchase insurance and said, go and buy whatever car you want and we'll pay 80 percent of it," says James C. Robinson, a health-care economist at the University of California, Berkeley. Under those conditions, a lot of people would go buy a Mercedes.

Much of the time, physicians will order more tests and procedures out of a genuine desire to do whatever they can for their patients. "Doctors look at one patient at a time and think, 'If I've done one thing, what else can I try?'" says Ann Lennarson Greer, a medical sociologist at the University of Wisconsin. "They're not inclined to think about overall costs." Several studies, in fact, have asked doctors if they knew the costs of hospital tests and services they routinely ordered—and found many had only a vague idea at best.

But while extra tests and treatments drive up the cost of medical care, they may do so with no real benefit to the patient. New diagnostic technologies, in particular, are especially likely to be overused; unlike surgery or invasive procedures, they "don't require the clinician to take any real risk," Greer says. Thus, the use of computerized tomography (CT) and magnetic resonance imaging (MRI) scans, two expensive, relatively new imaging technologies, has grown explosively in recent years. Yet no one has clearly defined when they are useful and when they are a waste of time and money.

"The original CT scanner provide to be an absolute revolution in the treatment of patients with head injury," says Dr. Mark Chassin, a physician who is senior vice president of Value Health Science, a private firm that analyzes the use of health-care services. "We produced hundreds of these things and they got out in the community. They were used for people with head trauma—terrific—but they also were used for people with headaches, dizziness, and all sorts of other vague symptoms." Diagnostic imaging, says Dr. Chassin, is a prime example of how "we continue to invest in technology in an absolutely irrational way."

THE LAW OF INDUCED DEMAND

Medical care is totally unlike services delivered by other professionals. When clients hire an architect or a lawyer, they generally know what they need and roughly how much it's going to cost. But in medicine, physicians make virtually all the decisions that determine the cost of care. The patient, ill and uninformed, is in no position to do comparsion shopping—nor motivated to, if insurance is paying the bill.

And the more doctors do, the more they get paid—a situation that's tailor-made for cost escalation. "It's the easiest thing in the world to increase the volume [of things a doctor does]," says Dr. Philip Caper, the Dartmouth internist. "Just do a few more tests. There's always a rationale. Schedule three doctor visits instead of two, and reduce the time you spend on each visit."

The creation of medical "need" by those who then profit from it is called induced demand, and it's rampant. Most obvious is the problem of "self-referral," in which physicians will refer patients for treatment at facilities in which they have a financial interest. In Florida, where at least 40 percent of physicians have such investments, a study by professors at Florida State University found that physician-owned laboratories performed twice as many tests per patient as independent labs. Similarly, in a study of private health insurance claims records for more than 65,000 patients. University of Arizona researchers found that doctors who had diagnostic imaging equipment in their offices ordered four times more imaging exams than doctors who referred patients elsewhere for the tests.

Occasionally, self-referral can turn into actual fraud. A recent report by the General Accounting Office—which estimated that fraud may account for as much as 10 percent of all health-care costs—cited several examples in which self-referral had been abused. In one California case, the owners of mobile medical laboratories allegedly gave kickbacks for referrals to physicians who sometimes use phony diagnoses. The case, which is still being investigated, involves an estimated $1 billion in fraudulent billings.

In other cases, however, physicians may increase the demand for their services without even being aware of it. When it comes to American medical care, supply seems to create demand almost automatically. Actuarial studies have shown that in areas with the greatest supply of physicians, people simply go to the doctor more often.

If more physicians create more demand for medical care, we can look forward to a flood of it in the near future. The per capita supply of practicing physicians is expected to increase 22 percent between now and the year 2000.

The phenomenon of induced demand applies to hospitals, too. Dr. John Wennberg, a physician who is professor of family and community medicine at Dartmouth Medical School, was curious as to why people in Boston went to the hospital more frequently than people in New Haven. When he studied the problem, he found a simple answer. Boston has more hospital beds to be filled—one-third more than New Haven on a per capita basis.

Surprisingly, Dr. Wennberg found that physicians in Boston and New Haven were completely unaware of the discrepancy. When he asked doctors in New Haven whether they felt their area was short of hospital beds, they said they didn't. In fact, at any given time, about 85 percent of hospital beds in New Haven were filled—precisely the same percentage as in Boston.

The likely explanation, according to Dr. Wennberg, is that physicians almost unconsciously will refer their patients to the hospital if space is available, stopping only when the local hospitals' capacity is nearly used up. If many beds are empty, doctors will be more likely to refer patients with borderline conditions, such as gastroenteritis or acute low back pain, for which hospitalization is optional but not imperative. By doing so, of course, they drive up the cost of care.

AS UNNECESSARY BURDEN

With so many incentives to overtreat patients, it seems inevitable that a sizable fraction of American medical care must be simply unnecessary, if not downright harmful. But how large a fraction? In the late 1970s and early 1980s, researchers at the Rand Corp., a think tank in Santa Monica, Calif., began to find out.

Using an elaborate process for developing a consensus among nationally recognized medical experts, the Rand team came up with an agreed-upon list of "indications" for various procedures. They then checked the actual medical records of thousands of patients who had received the procedures, to see whether they had been treated appropriately. The definition of "appropriate" care was starkly simple: Based on the patient's condition and expert opinion, the likely benefit of the procedure must have been greater than the risk involved in doing it.

Even with their elaborate analysis, the Rand researchers were not able to tell in every case whether a given procedure had been appropriate or not. They divided their cases into three groups: Those where the procedure had been "appropriate," those where it was "inappropriate," and those where its use was "equivocal," the largest group. Despite this degree of uncertainty, however, Rand found clear evidence of inappropriate overtreatment. Among the results:

Of 1,300 elderly patients who had an operation to remove atherosclerotic plaque from the carotid artery, nearly one-third—32 percent—didn't need it.

Of 386 heart bypass operations, 14 percent were done unnecessarily.

Of 1,677 patients who had coronary angiography—an X-ray examination of blood flow in the arteries nourishing the heart—17 percent didn't need it.

So striking were the results that Rand's methods for determining appropriateness have since been put to commercial use. Value Health Sciences, which now employs some of the original Rand researchers, has extended the methodology to several dozen high-volume medical procedures. A number of major insurance companies and health maintenance organizations now use this program to flag unnecessary procedures.

Value Health's results confirm the original Rand findings. Its review system has found very high rates of unnecessary usage for certain procedures: hysterectomy, 27 percent unnecessary; surgery for an uncomfortable wrist ailment called carpal tunnel syndrome, 17 percent; tonsillectomy, 16 percent; laminectomy, a type of back surgery, 14 percent. Similar results have come out of studies done by other investigators, who have examined procedures from preoperative laboratory screening (60 percent unnecessary) to caesarean section (50 percent unnecessary) to upper gastrointestinal X-ray studies (30 percent unnecessary).

THE UNCERTAINTY PRINCIPLE

Physicians can inadvertently contribute to the cost of unnecessary medicine even when they have only their patients' best interest in mind. Lay people tend to think of medical care as a straightforward proposition: For Disease A, prescribe Treatment B. That's not the way it is in real life. To practice medicine is to be afloat in a "sea of uncertainty," says Dartmouth's John Wennberg.

Every symptom can be investigated by a huge array of tests; for many diseases, physicians have a wide range of treatment choices. And doctors often base their choices as much on folklore and intuition as on science.

"Doctors really hate risks," says Ann Lennarson Greer, the Wisconsin sociologist. "They have certain procedures that seem to work for them, and they'd prefer to keep doing them, especially in areas where there's a lot of uncertainty."

This innate conservatism is reinforced by the isolation in which most doctors practice, says Greer, who has spent more than a dec-

ade studying why doctors and hospitals behave as they do. A physician can spend his or her entire career within a single referral network, based at a single hospital. These local colleagues, Greer has found, are the principal influence on a physician's decisions about how to diagnose and treat diseases or whether or not to adopt new technology. But they may not be the most reliable source.

A phenomenon called "small area variations," which was discovered by Dr. Wennberg early in his career, is a striking demonstration of just how unscientific medical practice really is. In the late 1960s, he had moved to Vermont to work as a health administrator and educator. Once there, he soon stumbled across a curious geographic pattern to a common operation, tonsillectomy.

"In Stowe, the probability of having a tonsillectomy by age 15 was about 70 percent," Dr. Wennberg recalls. "If you lived in Waterbury, over the hill from Stowe, it was about 10 percent." Indeed, there turned out to be a 13-fold difference in the local rates of tonsillectomy between the most and least surgery-happy Vermont communities he studied.

Medical uncertainty and the isolation of doctors largely explain those bizarre disparities. Dr. Wennberg discovered that doctors in Stowe, who talked mostly to each other, believed that if you didn't take tonsils out early, they'd become chronically infected and cause no end of trouble. Doctors in Waterbury, who didn't talk to the doctors in Stowe, held the opposite (and, as it turned out, correct) viewpoint: If left alone, most kids with frequent sore throats would eventually outgrow them.

This phenomenon turned out to be true of a lot more things than tonsillectomies. In Portland, Me., Dr. Wennberg found, 50 percent of men had prostate surgery by the age of 85; in Bangor, just 10 percent did. The rate of heart surgery was twice as high in Des Moines as it was in nearby Iowa City.

Subsequent studies by a number of researchers, working throughout the country, have shown that the use of all kinds of medical procedures varies dramatically from region to region. In fact, Dr. Wennberg has found the only procedures that don't show such variations are those few for which there is basically only one accepted treatment, such as hospitalization for heart attack or stroke.

INEFFICIENCY EXPERTS

The waste in the system goes far beyond the provision of unnecessary care. Even when medical treatments are necessary, they're frequently done with no regard for efficiency.

Milliman and Robertson, a Seattle-based consulting firm, advises hospitals and other health-care organizations on ways to cut costs without compromising the quality of care. The firm's actuaries and physicians have examined thousands of individual medical records to develop guidelines on how long patients should stay in the hospital for such common conditions as childbirth or appendectomy—provided they're in generally good health and have no complications. Applying those guidelines to actual current records from a dozen urban areas across the country, the firm's actuaries concluded that 53 percent of all hospital days weren't necessary, including all the days spent in the hospital by the 24 percent of patients who didn't need to be there in the first place.

As a private, commercial firm, Milliman and Robertson is in business to identify overuse for its clients, and might have a bias in favor of finding what it's paid to find. However, other studies by academic researchers have also found high rates of inappropriate hospitalization. A recent Rand Corp. review of published studies, most of which used data from the early and mid-1980s, estimated that 15 to 30 percent of hospital use was unnecessary.

The current rates of unnecessary hospitalization are difficult to estimate, since the system is in flux. The overall number of hospital days per thousand Americans—a standard measure of hospital utilization—has dropped over the last decade, in response to efforts by Medicare, health maintenance organizations, and private insurers to contain costs. But there are still large regional variations in hospital use, suggesting that waste still exists in the system.

Past experience shows it's possible to lower the number of days people spend in the hospital with no ill effects. In 1984, Medicare created financial incentives for hospitals to discharge patients as soon as possible, and not to admit them at all unless strictly necessary. The incentives worked; in two years, the average number of in-patient days per Medicare recipient fell 22 percent.

That sharp decline apparently had no real impact on the health of the patients involved, according to several statistics. The rate at which discharged patients need to be readmitted to the hospital shortly after leaving—an important index of low-quality care—has actually gone down for Medicare patients since 1984. Some care that used to be provided in the hospital can now be done at home, at much lower cost.

A MEDICAL ARMS RACE

Despite the efforts over the past decade to keep the costs of hospitalization down—by limiting hospital admissions, length of stay, and in-patient costs—our national hospital bill continues to rise. In 1990, hospitals soaked up 38 percent of national health expenditures (twice as much as doctors) and collectively earned a profit of $7 billion. Hospital administrators have proven how nimble health-care providers can be in getting around virtually any effort to rein them in.

For many years, hospitals expanded at a rate well beyond the national need, with the Government's help. During the 1950s and into the 1960s, the Federal Government provided subsidies to build new hospitals, and a decade later, Medicare allowed hospitals to pay for their capital improvements by charging higher fees. The result was a spate of hospital-building that had little relationship to clear community needs. New facilities and new wings were built, beds needed to be filled, and the law of induced demand kept them occupied—imposing a high cost on the health-care system and providing a high profit for the hospitals themselves.

When Medicare started to crack down on costs in 1984—paying hospitals a fixed fee to take care of each patient, based on his or her diagnosis—the hospitals reacted swiftly. Fewer Medicare patients were admitted, and those that were admitted stayed in the hospital for a shorter time. But the hospitals compensated by boosting their out-patient, psychiatric, and rehabilitation services, for which Medicare had set no cost limits. Although charges for hospitalization dropped, the costs for those other services ate up those savings, and more.

Hospitals also stepped up their efforts to attract privately insured patients to make up for the money they were losing on Medicare and Medicaid. Having built the capacity for many more beds than the nation needs, hospitals now tried to fill them—and to fill them with patients who had generous insurance policies and needed lots of medical services. "Hospitals make money by delivering services," explains William Erwin, who is a spokesman for the American Hospital Association. "If you don't need much done to you, the hospital isn't going to make money on you."

Attracting patients to a hospital isn't the same as attracting customers to a new restaurant or hardware store. Consumers decide on their own when and where they want to eat out or buy some drill bits. When they're sick, their doctors decide when and where to hospitalize them. So hospitals must market on two fronts: They must appeal directly to privately insured patients, and they must keep their admitting doctors happy.

To induce physicians to admit patients, hospitals resort to everything from first-year guaranteed incomes to subsidies for initial practice expenses. The effort pays off. In 1990, according to an annual survey by Jackson and Coker, an Atlanta physician-recruiting firm, the average doctor generated $513,000 in in-patient hospital revenue.

Another way to keep doctors happy is to provide them with state-of-the-art medical equipment. As a bonus, hospitals can then tout their up-to-date technology directly to consumers. Uwe Reinhardt, a Princeton University health economist, likes to paint the following scenario in his lectures:

"Imagine that you're a young couple in Chicago, stuck in a traffic jam in the Loop, and you see a billboard that says: 'Mount Sinai: The Cheapest Place in Chicago, Have Your Baby Here.' then you go on and you see another billboard that says, 'Holy Mercy: The Only Place with a Glandular Schlumpulator, Have Your Baby Here.' Where are you going to go?"

Some regulatory efforts were made in the 1960s and 1970s to restrain hospitals from acquiring excessive amounts of expensive technology, with mixed success. In any case, Federal support for the effort was discontinued during the Reagan years. The rationale was that "unleashing competition" among hospitals would allow the free market to operate and help keep the cost of medicine down.

The irony, though, is that competition actually drives costs *up* where hospitals are concerned. The hospitals gain no competitive advantage by controlling costs, since their customers—doctors and patients—don't pay for their services anyway. Instead, hospitals compete only on the basis of perceived quality, and end up vying to see which one can secure and promote the newest well reimbursed technology, whether the technology is needed or not. Several hospitals in an area may have their own neonatal intensive care units, MRI machines, or cardiac care centers, when only one would serve the population equally well (see "The Cardiac Money Machine," page 446). This year, despite the recession, hospitals plan to increase spending on new equipment by 15 percent, according to a survey by Shearson Lehman Brothers.

To attract the well-insured population, hospitals also provide amenities that have nothing to do with actual health care but add to the bill, including cable TV, private rooms and baths, gourmet menus, and the like. Baylor University Medical Center in Houston spent $18 million on the Tom Landry Sports Medicine and Research Center, complete with 7,000-square-foot dressing rooms lined with oak lockers, and a 10-lane pool with underwater computerized video cameras used to analyze its patrons' swimming strokes.

Hospitals have also become more and more consciously concerned with projecting an

upscale image that they hope will bring in an affluent clientele. Entries in a recent contest held by the Academy of Health Services Marketing, an organization of hospital marketing executives, reveal the new focus. For instance, the Southern Regional Medical Center in suburban Atlanta got Rosalynn Carter to endorse its maternity service after her grandchild was born there—as part of a successful campaign "to increase gross revenue . . . by marketing to a target market of insured, higher-income women, ages 25-49," according to the contest submission.

The trend is troubling, because there's clear evidence that the total cost of health care rises in areas where many hospitals begin to compete for the same pool of well-insured patients. Health economists James C. Robinson and Harold S. Luft of the University of California, Berkeley, examined data from 5,732 hospitals nationwide, and found that costs per admission were 26 percent higher in hospitals that had more than nine competitors within a 15-mile radius. In a smaller-scale study by 747 hospitals, they found that those in competitive areas allowed patients to stay in the hospital longer after surgery—something that tends to please both patients and doctors, but with high cost and no clear medical benefit.

MORE SPECIALISTS, HIGH COSTS

Just as American hospitals lead the world in high-priced technology, American physicians are heavy purveyors of expensive treatments and diagnostic tests—and reap great personal rewards for using them. Doctors in the U.S. earn much higher incomes relative to their fellow citizens than do doctors in other countries. According to figures from the Organization for Economic Cooperation and Development, in 1987 U.S. doctors earned 5.4 times more than the average worker. In Germany, the multiplier was 4.2; in Canada, 3.7; and in France, Japan, and the United Kingdom, 2.4.

Historically, the highest fees have gone to doctors who perform concrete procedures, such as surgery, endoscopy, or diagnostic imaging. So-called evaluation and management services—in which doctors may examine and question the patient and prescribe a treatment, but don't actually do a specific procedure—haven't paid nearly as well.

In 1990, for instance, internists charged a median of $110 for a comprehensive office visit for a patient they hadn't seen before, according to a survey by Medical Economics magazine. Such a visit involves taking a medical history, doing a physical examination, and talking with the patient about his or her current condition. It can take up 45 minutes of the doctor's time. By contrast, the same survey found internists charged a median fee of $126 for spending 10 minutes to examine the bowel with a flexible fiberoptic device called a sigmoidoscope.

While individual physicians have great leeway in deciding what they will charge for a given procedure, insurance companies have established computerized databanks that help them determine whether or not the fee is "usual and customary" for that procedure. By this standard, a doctor whose fees are at the very top of the local scale may not receive full reimbursement. But there's no track record of cost for new procedures. With the help of medical specialty societies and the AMA, physicians have secured very high rates of reimbursement for new treatments.

"When something is in development, it's new, it's experimental, only a few physicians use it, there's some risk involved, and the price gets set accordingly," explains Joel Cantor, a program officer at the Robert Wood Johnson Foundation. "Then the technology diffuses and gets easier to use. More physicians get good at it. But the price never goes down."

The classic example is the extraction of cataracts and implantation of artificial lenses in the eye. This undeniably useful technology was introduced in the early 1980s and became a standard procedure by the end of the decade. During that time, however, many ophthalmologists became wealthy by charging $2000 or more for a cataract extraction that could be done in about an hour.

Primary-care physicians, such as general internists, family practitioners, and pediatricians, don't do procedures like that. Instead, they spend their days in office visits, which have long-established, and thus lower, "usual and customary" fee profiles.

As a result, their incomes are much lower than those of specialists. In 1990, the median income for general family practitioners was $93,000, and for pediatricians, $100,000, according to the American Medical Association's annual survey. Median income for surgeons and radiologists, on the other hand, was $200,000. Senior specialist can earn much, much more. Cardiovascular surgeons in group practice averaged about $500,000 in 1990, according to a study by the Medical Group Management Association.

Medical-school students, who must pick a residency program in their senior year, are painfully aware of these economic distinctions. In addition, they're trained in an academic environment that has long rewarded specialists with prestige and research grants. Young physicians, who leave medical school with a huge debt load, are increasingly turning to specialization. Overall, about one-third of the U.S. physicians are in primary care. But among 1987 medical school graduates who have now completed their internships and residencies, only one-fourth have gone into primary care, according to data from the Association of American Medical Colleges.

A fed-up Ohio family doctor, responding to a survey by his professional society, the American Academy of Family Physicians, summarized his feelings this way: "Why both with 60- to 70-hour work weeks, constant phone calls, all night emergency room visits, poor reimbursements, demanding patients, the need for instant exact decisions . . . concerning a million possible diseases, when you can 'specialize' in one organ, get paid $500 for a 15-minute procedure, only need to know a dozen drugs and side effects, and work part time?"

Do we really need our luxurious quantities of cardiologists, dermatologists, neurosurgeons, and urologists? Other countries get along fine with about a 50-50 ratio between primary-care doctors and specialists. The evidence is that we could, too.

A team from the New England Medical Center recently looked at patients who got their usual care from primary-care physicians (internists or family doctors) or from specialists (cardiologists and endocrinologists). The groups were not identical; the specialists tended to have older patients with more medical problems. But even after that difference was factored in, the specialists ran up higher bills, on average, than the primary-care doctors. They put more patients in the hospital, prescribed more drugs, and performed more tests. Yet an analysis still in progress appears to show that the two groups of patients had similar health outcomes.

The medial profession itself acknowledges the imbalance. The principal professional journal for internists, the Annals of Internal Medicine, said in a 1991 editorial: "Given the number of subspecialists already in practice, there are not enough highly specialized cases to go around. . . . We cannot continue to practice this way when cost containment is the dominant health policy issue of our times."

This year, Medicare began an effort to even out the economic imbalance between primary care and specialty physicians. The new program, known as the Resource-Based Relative Value Scale (RBRVS), is essentially a standard, national fee schedule, adjusted for geographic variations in the cost of practice. It increases the reimbursement for evaluation and management services, and greatly reduces the reimbursement for procedures. Physicians, however, may find a way around this constraint, as they have around others. For one thing, doctors can always simply raise their fees for privately insured, non-Medicare patients—although some private insurance companies may eventually adopt a version of the RBRVS fee schedule.

Since the mid-1980s, doctors have also manipulated the reimbursement system by "unbundling" services—that is, charging for two or more separate procedures instead of one. For instance, instead of billing $1,200 for a hysterectomy, a doctor can collect $7,000 by billing separately for various components of the operation. Commercial services conduct seminars to teach doctors how to maximize reimbursement in this way. But unbundling can cross the line into outright, prosecutable fraud, according to the General Accounting Office's health-care fraud report.

SUPPLIER-SIDE ECONOMICS

Just as the providers of care have profited hugely over the years, so have those who supply the providers—the pharmaceutical companies and the makers of medical equipment and devices. They can charge top prices for their products, secure in the knowledge that the system will reimburse them. The pharmaceutical industry has been one of the nation's most profitable industrial sectors; it operates with an average profit margin of 15 percent and has given an average annual return to investors of 25 percent over the last decade.

Companies that latch on to new medical technologies can also earn huge profits. In spite of the current hand-wringing over health-care reform, health-care stocks as a group increased in value by fully 50 percent in 1991.

"A lot of people in health care are making a lot of money," says Stephen Zuckerman, a senior research associate at the Urban Institute in Washington, D.C. "They're not unhappy with the current system."

Curiously, the debate over health-care costs in the U.S. tends to assume that the cost of drugs and medical technology is immutably fixed. But international comparisons demonstrate that this needn't be so. In Japan, for example, the national fee schedule pays $177 for a magnetic resonance imaging (MRI) exam, compared with an average charge of about $1,000 in the U.S. Pharmaceutical prices, which vary widely from country to country, are also significantly higher in the U.S. than anywhere else.

NOTHING FOR SOMETHING

As costly as it is, our health-care system might be worth its price if it somehow ended up making us healthier than people in other countries. But it doesn't.

Of the 24 industrialized nations making up the Organization for Economic Cooperation and Development (OECD), the U.S. spends

more than twice as much on health per capita as the average. And it devotes a far greater percentage of its gross national product to health care than any other country. Yet the other OECD countries—with the exception of Turkey and Greece, by far the poorest of the group—all have roughly as many doctors and hospitals per capita as we do.

As for health status, of the 24 OECD countries, the U.S. ranks: 21st in infant mortality, 17th in male life expectancy, 16th in female expectancy.

Dr. Barbara Starfield of the Johns Hopkins School of Public Health compared the U.S. with nine industrialized European nations in three areas: the availability of high-quality primary care, public-health indicators such as infant mortality and life expectancy, and overall public satisfaction with the value of health care. In all three areas, the U.S. ranked at or near the bottom.

The problem, simply put, is that the system is geared to providing the services that can earn physicians and hospitals the most money—not the ones that will do the public the most good. The U.S. has four times as many $1.5-million magnetic resonance imaging devices per capita as Germany does. But at the same time, the U.S. system shortchanges the basic, low-tech care that has, over the years, proven effective at preventing disease.

The poor and uninsured are most likely to suffer from the imbalance. During the 1980s, while American hospitals were failing all over themselves to add costly, high-tech neonatal intensive-care units, the number of mothers unable to get basic prenatal care climbed, as did the incidence of premature births.

In most states, Medicaid now pays nowhere near the actual cost of delivering care; hospitals lose money on their Medicaid admissions. As a result, many doctors and some for-profit hospitals refuse even to accept Medicaid patients.

People with no insurance at all fare even worse. A group from the University of California, San Francisco, for example, looked at the hospital care given to sick newborn babies in the state's hospitals in 1987. Even though the uninsured babies were, on the average, the sickest group, they left the hospital sooner than insured babies and received fewer services while they were there. The Rand group has also shown that when California cut back on Medicaid coverage a decade ago, the health of people who lost their coverage declined dramatically.

"We've been sucked into believing that if we have a national health program, we're going to have rationing," says Dr. Philip Caper of Dartmouth. "The answer is, we have rationing already. Ask somebody who lost their health insurance, or can't get a bone-marrow transplant because they're on Medicaid. If that isn't rationing, what is?"

Hospitals that serve the poor and uninsured are suffering as well. The success of private hospitals in attracting well-insured patients has put an increasing burden on the public and not-for-profit hospitals still willing (or required) to accept all comers. A 1990 survey of 277 public and teaching hospitals found that 38 percent sometimes held patients overnight in the emergency room because no regular beds were available; 40 percent had turned away ambulances because of overcrowding.

Hospitals in California have even shut down their trauma centers as a way of barring the door against uninsured patients. "Hospitals find themselves jockeying for geography," says Bettina Kurowski, a vice president of St. Joseph Medical Center in Burbank, which closed its trauma center when its annual losses hit $1.5-million and threatened the financial survival of the hospital as a whole. "If you can be promised service areas that include freeways, and therefore get trauma cases covered by auto insurance, you can break even. If you don't include freeways, mostly you get penetrating [gunshot and stab wound] trauma, and those patients by and large don't have insurance."

RED TAPE AND RED INK

Ultimately, our cumbersome, inequitable system of reimbursement raises the costs for all of us—insured and uninsured alike—and causes problems for physicians as well. "In order to preserve the mirage of a private system, we've created the most bureaucratic, regulated system of any in the world," says David Mechanic, director of the Institute on Health Care Policy at Rutgers University.

A key characteristic of the U.S. system is its obsession with making sure that patients get only what their insurance entitles them to, and nothing more. That means, for instance, that hospitals must keep meticulous track of everything used by a particular patient, down to individual gauze sponges or aspirin tablets—all adding to administrative costs. More important, the burden of dealing with multiple forms from a huge number of insurance companies requires a lot of clerical manpower.

Increasingly, too, doctors and hospitals have to answer to Government and private review panels that evaluate many aspects of the care they offer. Government reviewers work to ensure that Medicare and Medicaid patients are not being undertreated, while private insurers want to make sure that their patients are not being overtreated.

Hospitals in the U.S. spend fully 20 percent of their budgets, on average, on billing administration—compared to only 9 percent for Canadian hospitals. To run a health plan covering 25 million people, Canada employs fewer administrators than Massachusetts Blue Cross, which covers 2.7 million.

Our nation's more than 1200 private health-insurance companies add to the red tape by the necessary maintenance of their underwriting, marketing, and administrative staffs. This overhead consumed an average 14 cents out of every premium dollar in 1990, according to the Health Care Financing Administration.

Private physicians, too, have been forced to hire extra office help to cope with the ever-enlarging demands of third-party review, regulations, and paperwork. Drs. David Himmelstein and Steffie Woolhandler, internists at Harvard Medical School who are prominent critics of the U.S. health-care system, have calculated that the average office-based U.S. physician employs twice as many clerical and managerial workers as the average Canadian doctor. Dealing with the bureaucracy has become so intrusive that doctors have developed a name for it: the "hassle factor."

Dishonest physicians have also taken advantage of the system to bilk insurance companies. According to the General Accounting Office report: "This complex system itself becomes an impediment to detecting fraud and abuse * * * a physician who bills for more office visits than can reasonably be performed in a day, for example, may not be detected if the billing is split among several payers."

Drs. Woolhandler and Himmelstein, who favor a Canadian-style system, have calculated that about 20 percent of U.S. health-care spending goes for administrative costs: insurance overhead, hospital and nursing administration, and physicians' overhead and billing expenses. Not surprisingly, the private health-insurance industry says this estimate is too high. However, industry representatives decline to offer their own figure.

Universal coverage and uniform fee schedules enable other countries to avoid most of the administrative expense of the U.S. system. The single-payer Canadian system, where all health-care costs are ultimately paid by the Government, devotes about 10 percent of expenditures to administration. The General Accounting Office calculates that if the U.S. were to adopt a single-payer Canadian-style system, we would save about $70-billion a year in insurance overhead and the administrative costs to doctors and hospitals.

ENOUGH FOR ALL

No matter what corner of the health-care system is examined—hospital costs, clinical procedures, administrative expenses—at least 20 percent seems to represent waste or inefficiency. If the system could be redesigned to get rid of this excess, it could, in effect, provide 20 percent more necessary service without costing any more than it does now.

Granted, devising a totally efficient system would be difficult, if not impossible, to accomplish. However, there is easily more than enough excess spending in our current system to take care of the roughly 14 percent of the population who are not currently under any public or private insurance plan.

In future issues of CONSUMER REPORTS, we'll examine the different options for health/care reform. But it's already clear that the ideal health care system for American consumers, whatever it turns out to be, will have to be radically different from the wasteful, patchwork system that governs our health care today.

To date, no one has come up with a comprehensive price tag for the cost of unnecessary medical care, overpriced procedures, and inefficient administration in the U.S. health-care system. After extensive review of the literature, however, we believe that $200-billion is a conservative estimate of the amount the health-care system will waste this year. Here's why.

Of the $817-billion projected to be spent on health care this year, about one fifth—$163-billion—will go for administrative costs. Except for a fraction of a percent spent on research, the rest—roughly $650-billion—will go to actual patient care. Physician and hospital services together make up most of that total, with the rest going to dentists, nursing homes, drugs, and various other expenses.

By our estimates, at least 20 percent of that $650-billion, or $130-billion, will be spent on procedures and services that are clearly unnecessary.

Many researchers have now attempted to quantify the rate at which specific procedures are used unnecessarily. Twenty percent represents a rough average of the rates found in major studies, and is a figure that several leading researchers in this field told us was a good approximation for the rate of unnecessary care.

Twenty percent also seems to be a conservative estimate of the rate of unnecessary hospital days, even though changes in Medicare and private-insurance policies make it difficult to estimate that number precisely.

Finally, as Dr. John Wennberg of Dartmouth and his colleagues have demonstrated

repeatedly, the rate at which physicians use a given procedure can vary four- or five-fold between one location and another. The supply of hospitals and physicians also varies greatly. Except in extreme cases where people lack access to basic medical care, people living in low-use or low-supply areas seem to be just as healthy as those in high-use or high-supply areas.

Dr. Wennberg and his colleagues argue that areas with abundant doctors and hospitals could provide significantly fewer health-care services without harmful consequences. Similarly, the high rates of procedures done in many areas could be cut back without overall harm. This sort of adjustment happens automatically, they note, in industrialized countries that control costs by capping the amount of money available for health care.

If overuse of medical services wastes $130-billion a year, administrative inefficiency adds about $70-billion. Projecting from 1991 estimates by the General Accounting Office, the U.S. could save roughly $70-billion this year by switching from our fragmented and inefficient insurance system to a single-payer system—one in which all citizens receive health care from private doctors and hospitals that are paid by a single insurance entity. The savings would come roughly equally from insurance-company overhead and hospital and administrative costs.

Adding those two figures together—$130-billion plus $70-billion—gives an estimate of $200-billion for the annual waste in the U.S. health-care system. This estimate, however, leaves out several important elements: Physicians' fees and the cost of technology, drugs, and procedures. If those costs were brought into line with reimbursement standards in other countries, the savings would be greater.

Moreover, we have not added in the cost of outright fraud—a factor that the General Accounting Office estimates could eat up a full 10 percent of the total health-care budget.

Some physicians cheat the system by ordering unnecessary tests and procedures—a type of fraud that is included in our estimates of unnecessary care. Other types of fraud, however, would not have been caught in the studies of unnecessary care that have been done. These include billing for services never rendered, falsifying reimbursement codes to collect more than the usual payment for a service and submitting inflated bills for supplies and medical devices.

Since we have not counted the cost of these fraudulent practices—or of the high price scale for health-care providers in the U.S.—our $200-billion figure is truly a minimum estimate.

MEDICAL RED FLAGS—IS THIS TREATMENT NECESSARY?

Over the past decade or so, an entire industry has sprung up to identify overused and unnecessary medical treatments. The players range from academic researchers to policy analysts to private entrepreneurs that have insurance companies as their clients.

Some treatments, by virtue of their cost or their ubiquity, have attracted particular attention from the watchdogs. These treatments, listed below, are hardly the only sources of unnecessary care in the system. Nor, of course, does a procedure's presence on the list mean that it is always used unnecessarily—or even that that is usually the case.

Nevertheless, if your physician does suggest that you have one of these procedures, you'd be well advised to think twice. You might want to seek a second opinion, if possible, or question your doctor closely on the possible alternatives to the suggested treatment.

Cesarean section. About one in four U.S. births is completed surgically, a rate that may be twice the ideal. In this country, obstetricians routinely perform cesareans when the baby is breech, or for the vaguely defined diagnosis of "prolonged labor" or "fetal distress." Hospitals that have systematically set out to eliminate unnecessary cesareans have cut their rate at least in half without any apparent risk to mothers or babies. (See Consumer Reports, February 1991.)

In recent years, the electronic fetal monitor, a device for tracking the fetal heart rate during labor, has come to be used routinely in American hospitals—and has contributed to the high cesarean-section rate. Since abnormal fetal heart rates are associated with oxygen deprivation, it was assumed that prompt, automatic detection would enable doctors to intervene early enough to prevent fetal brain damage—for example, by performing a cesarean section on the mother.

But since the fetal monitor's introduction, no fewer than nine comparative studies, involving tens of thousands of women, have failed to demonstrate the hoped-for benefit. Monitored women do have a higher rate of cesarean sections and other costly interventions. But their babies fare no better than those of women monitored by the traditional means, in which a nurse simply checks the fetal heartbeat periodically with a stethoscope.

Hysterectomy. After cesarean section, this is the second most common major surgery in the U.S. Value Health Sciences, a firm that applies the Rand Corp.'s methodology for insurance-industry clients, calls 27 percent of hysterectomies unnecessary, the highest percentage of all procedures it evaluates. Rates of hysterectomy also vary greatly throughout the country, an indication that physician practice and preference play as much of a role as objective need in the decision to perform the operation. Many gynecologists still routinely recommend hysterectomy for fibroids, uterine prolapse, and heavy bleeding; alternative treatments are available for all three conditions. (See Consumer Reports, September 1990.)

Back surgery, Value Health Sciences has reported that 14 percent of proposed laminectomies, the most common type of back surgery, are unnecessary. Occasionally, some material from ruptured disc will press on spinal nerves and cause disabling or painful symptoms that require surgical correction, says Dr. Charles Fager, a neurosurgeon at the Lahey Clinic in Burlington, Mass. But usually, back pain yields to bed rest, the passage of time, physical therapy, or a combination thereof. "I only operate on one out of every 25 or 30 people I see," say Dr. Fager. Some surgeons aren't so finicky. Dr. John Wennberg of Dartmouth Medical School has traced sudden "epidemics" of back surgery to the arrival of a new neurosurgeon in a locality.

Magnetic resonance imaging. This powerful new imaging technique, which produces detailed pictures of internal organs without exposing the patient to radiation, is still so new that doctors are working out its best uses. In the process, they'll inevitably use it when they don't need to. Some groups of physicians have invested in MRI machines, creating the added temptation to profit by referring their patients for the test. Also, because MRI is virtually risk-free, it's especially likely to be overused as a defensive measure.

Experts stress that MRI procedures which cost about $1000 apiece, should be ordered only when a patient's symptoms suggest he or she may have a condition that cannot be diagnosed definitively in any other way.

Prostate surgery. Dr. Wennberg and his colleagues at Dartmouth have shown that surgery for noncancerous enlargement of the prostate is among the most variable of procedures. They have also look closely at what happens to men who get the surgery and those who don't. For many men, medical therapy can relieve symptoms. For others, putting off surgery isn't particularly dangerous, though the urinary obstruction caused by the condition can be uncomfortable.

When patients in a health maintenance organization were fully informed in advance of the risks and benefits of surgery, in a study that Dr. Wennberg designed, 80 percent of men with severe urinary symptoms chose to postpone the operation.

Clot-busting drugs. These drugs, when administered within four to six hours of the onset of a heart attack, can break up the blood clot blocking the coronary artery and thus greatly reduce the damage to the heart muscle. The largest comparative study done to date, of 41,000 patients worldwide, has found that all currently available clot-busting drugs are about equally effective in preventing fatal heart attacks—but one, streptokinase, has the lowest incidence of the most dangerous side effect, cerebral hemorrhage.

Of the two drugs used in the U.S., streptokinase also happens to be by far the cheaper—about $200 per dose compared to $2000 per dose for its genetically engineered competitor, tissue plasminogen activator (TPA). Nevertheless, TPA commands a majority of the U.S. market, apparently thanks to aggressive marketing by its manufacturer, Genentech.

For a person having a first heart attack, there's no reason to be treated with the more costly drug. Second treatments with streptokinase, however, are unsafe, since the first treatment can set up the mechanism for an allergic response to any future injection.

THE "CRISIS" THAT ISN'T—MALPRACTICE: A STRAW MAN

Ask physicians to explain why the cost of health care goes up continually, and you're likely to hear complaints that the U.S. malpractice system encourages unnecessary "defensive" medical care. The public seems to have bought this argument. In a recent survey, CONSUMER REPORTS subscribers guessed that malpractice tied with hospital costs as the biggest factor driving the cost of health care.

Is malpractice such a villain?

It's true that malpractice costs are higher in the U.S. than in other countries. And in the mid 1980s, malpractice claims—and, accordingly, insurance premiums—did take a sharp upward swing. There was much talk then of a malpractice "crisis." But that crisis now seems to have abated, as have previous ones. Malpractice is a cyclical phenomenon: Periodically, the incidence of claims rises, then falls back.

At the moment, malpractice claims have been in one such downswing. The rate of claims has declined steadily since the peak of the last "crisis" in 1985. So have malpractice insurance premiums. In 1990, according to Medical Economics magazine's annual survey of physicians, doctors' malpractice premiums on average consumed only 3.7 percent of their practice receipts—although the percentage may be double that for high-risk

(and high-paid) specialties, such as obstetrics, surgery, and anesthesiology. The U.S. Department of Health and Human Services puts the total cost of malpractice at less than 1 percent of total health outlays.

But then, no one argues that the direct cost of malpractice insurance is the main factor driving up the cost of care. Instead it's assumed that physicians, fearing malpractice suits, are forced to practice "defensive medicine" just to protect themselves in the event of a lawsuit.

Defensive medicine undoubtedly exists, and doctors themselves feel that the threat of malpractice forces them to do more tests than are truly necessary. But quantifying the cost of defensive medicine is a slippery matter. The American Medical Association made a stab at it in the 1980s, and decided that the total cost of medical malpractice, including premiums and defensive medicine, was about 17 percent of physicians' earnings.

However, the AMA estimate was based on physicians' own reports of what they considered defensive practices, such as doing more diagnostic tests, sticking with the safest possible treatments, telling patients more about treatment risks, and keeping more complete records.

As that list suggests, one problem with defining defensive medicine—let alone measuring it—is that it's difficult to distinguish from care delivered for other reasons. Is a doctor doing an unnecessary test out of fear of a lawsuit, or because the medical culture values doing "everything," or simply to reassure an anxious patient? Did an obstetrician perform an unnecessary caesarean for legal protection, for scheduling convenience, or to earn a higher fee?

"You mostly get anecdotes when you're talking about defensive medicine," says Randall Bovbjerg, an analyst at the Urban Institute in Washington, D.C., who has worked on several malpractice studies.

That's not to say there isn't a malpractice crisis, however. "The greatest single problem about malpractice is that there's a lot more of it out there than anyone is dealing with," says Bovbjerg. "Patients are getting avoidable injuries and no one is stopping it."

Documentation for Bovbjerg's claim comes from a study conducted by Harvard University researchers for the state of New York. The researchers reviewed a random sample of New York hospital records in 1984 and found that 3.7 percent of patients suffered "adverse events," slightly more than one-quarter of which could be attributed to actual negligence.

Of those who suffered negligent injuries, only about one-eighth ever filed malpractice claims, and only about one-sixteenth ever recovered any damages. Conversely, the study found many cases in which patients filed malpractice suits with no clear evidence of negligence.

Costs aside, the current malpractice system is at best only an imprecise means of controlling the quality of medical care.

HIGH-TECH COMPETITION—THE CARDIAC MONEY MACHINE

People with heart and circulatory diseases, the leading causes of death in the U.S., have benefited enormously from medical and surgical advances over the past two decades. Until the late 1960s, doctors couldn't do much more than give them a little nitroglycerin or digitalis in the hope of extending their lives moderately. Then came coronary bypass surgery, the first great treatment advance, in which blood vessels from elsewhere in the body are used to bypass diseased coronary vessels and restore more blood to the heart muscle. Next, in the 1980s, came balloon angioplasty, in which a balloon attached to a catheter is passed into the narrowed coronary vessel and inflated to crush the blockage against the wall of the coronary artery.

The last decade has also brought new drugs to dissolve blood clots, to right irregular heartbeats, and to treat heart failure and high blood pressure; new imaging techniques; implantable electronic devices; and as a last resort, new methods of heart transplantation.

All this, together with changes in diet and exercise habits, has had a dramatic effect. The death rate from heart disease in the U.S. has dropped roughly by half since 1950.

But the improvement has come at a very high cost. New technologies are expensive technologies, and the cardiac field is no exception. Coronary bypass surgery, for example, can easily run $30,000 or more for a single operation.

"It is just well-paid by everybody; even Medicare pays handsomely for it," says Ann Lennarson Greer, a medical sociologist at the University of Wisconsin. "The hospitals are crazy about bypass. Even if they're six blocks from a major heart center, they think they can't afford not to be in on it. People who get coronary problems, namely middle-aged men, tend to be among the best-insured people in our society."

(Uninsured patients may simply not get these costly procedures. One national survey found they were 39 percent less likely than the insured to get coronary angiograms—X-rays to evaluate the heart's blood supply—and 29 percent less likely to have bypass surgery.)

A GROWING PROFIT CENTER

Just how lucrative the cardiovascular field is was revealed in a 1990 report prepared by the Advisory Board Company, a Washington-based consulting firm, for its hospital clients. The report concludes that nearly one-quarter of all hospital revenues come from cardiology-related business, and of that, more than 80 percent comes from just four procedures—cardiac catheterization, angioplasty, bypass surgery, and heart-valve surgery. Not surprisingly, cardiovascular surgeons bring in the most revenue per in-patient hospital admission of any specialty—$10,942 in 1989, more than twice the average doctor's rate—according to an annual survey by Jackson and Coker, an Atlanta-based physician-recruiting firm.

The profit margins are as impressive as the revenues, according to the Advisory Board report: 70 percent for catheterization, 37 percent for angioplasty, and 40 percent for bypass, compared with overall profit margins for hospitals of less than 4 percent. And, to top it all off, the number of cardiac diagnostic and treatment procedures performed in the U.S. has been growing at an average annual rate of 12.7 percent.

The Advisory Board report uses a real, though unidentified, hospital to illustrate the profit potential. Wanting to increase its cardiology market share, the hospital invested $3-million in state-of-art equipment for catheterization and open-heart surgery. The improved equipment (and additional support staff) attracted 25 new cardiologists to the hospital, who brought in hundreds of new patients for catheterization, angioplasty, and bypass. Within two years, the extra business has repaid the entire upfront investment and was adding $1.8-million a year in profits to the hospital's bottom line.

This sort of return on investment has caused hospitals to look increasingly to cardiovascular care to fill their empty beds. In 1980, according to the Advisory Board report, there were 382,000 cardiac catheterizations performed in the U.S. and 340,000 treatment procedures, including bypass, angioplasty, valve surgery, and pacemaker implantations. By 1988, the volume of catheterizations had grown to 965,000 and the volume of procedures to 930,000.

Were all those procedures really necessary?

DOCTORS' DILEMMAS

The treatment of heart disease is a classic example of the way in which medical uncertainty produces variable, unnecessary care. Treatments for heart disease are advancing so rapidly that there's often little consensus on what to do or when to do it. What symptoms require a coronary angiography exam? Should a person with mildly uncomfortable angina and blockages in one or two vessels stick with drug treatment, or undergo angioplasty? If angioplasty has failed once, should it be repeated or should the patient get a bypass operation?

Medical journals are filled with debates on those questions. In the meantime, physicians must make daily treatment decisions with little guidance on which course is preferable—but knowing that they will be financially rewarded for ordering the maximum intervention.

Writing in the Journal of the American Medical Association, Dr. Thomas N. James of the University of Texas, Galveston, put it this way: "The same physician who decides whether a diagnostic or therapeutic procedure is to be done is too often also the one who does the procedure, interprets the findings (and decides whether additional procedures are indicated), and is paid for each step of the way. This is not to say that such physicians are unskillful or that their decisions are necessarily made on the basis of personal gain, but the temptation is inescapably there."

Under those circumstances, it would be surprising if unnecessary procedures were not being done. The evidence is that they are:

A study of pacemaker implantations in Philadelphia hospitals found that 20 percent were unnecessary and another 36 percent were problematic.

A San Diego team found that, among patients who'd been hospitalized with mild heart attacks, 40 percent of those who got angiograms didn't need them. In addition to running up a bill ranging from $2,000 to $3,500, these patients were put at a slight risk of complications from the procedure itself.

A team from Brigham and Women's Hospital in Boston examined the need for bypass surgery among 88 patients for whom it had been recommended. They advised against surgery for 74 of the 88. Among those 74, 60 accepted the second opinion and didn't have the operation. Over a follow-up period of more than two years, there were only two subsequent heart attacks, neither of them fatal, among this group—an outcome comparable to that of people who receive angioplasty or coronary bypass surgery.

RISKY MEDICINE

Despite findings like these, competitive and financial pressures conspire to encourage hospitals to build even more cardiac-care units. Consider the case of Manchester, N.H. Until 1985, Manchester residents who needed open-heart surgery had to travel to Boston or to Hanover, N.H., to get it. That year, a Manchester hospital, Catholic Hospital Medical Center, opened the first local open-heart

surgery service. Within one year, the rate of heart surgery among residents of Manchester more than doubled.

What could explain the immediate jump in volume? An analysis by the Codman Research Group, a private health-care consulting firm, found that before the local program started, 90 percent of bypasses done on Manchester residents involved the transplantation of three or more arteries—a sign of serious and extensive disease. By 1988, however, over half the operations were single or double bypasses.

"They were clearly operating on less severely ill patients," says Dr. Philip Caper, Codman's chairman and a professor at Dartmouth Medical School. "The hooker is, nobody really knows whether they were better off. Some doctors think most single bypasses should almost never be done, because the risk is more than the benefit."

While coronary bypass can be lifesaving, it is an extremely traumatic procedure involving stopping and cooling the heart, hooking the patient up to a heart-lung machine, then restarting the heart. Handling an operation of this complexity requires a skilled and coordinated surgical team. That's why studies have repeatedly demonstrated that hospitals performing fewer than 150 open-heart procedures a year have higher death rates than those that perform more. In addition to driving up health-care costs, hospitals joining the cardiac gold rush may actually be putting their patients at serious risk.

That was the case in Phoenix in 1985, when the state of Arizona, in the spirit of deregulation, decided to abdicate its authority to control the introduction of new open-heart surgery programs. At that time, four Phoenix hospitals provided open-heart surgery. Almost immediately, seven more began programs. A computer-aided study of Medicare records performed by the Phoenix Gazette and the University of Arizona found that in the first year of deregulation, the local death rate from heart surgery increased by 35 percent. The average cost of the procedure, meanwhile, rose 50 percent.●

## ORDERS FOR TOMORROW

Mr. BUMPERS. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:45 a.m., Wednesday, July 29; that following the morning prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that there then be a period for morning business not to extend beyond 10 a.m. with Senators permitted to speak therein for up to 5 minutes each; and that at 10 a.m. the Senate proceed to the consideration of H.R. 776, the energy bill.

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

## RECESS UNTIL 9:45 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 9:45 a.m., Wednesday, July 29, 1992.

Therefore, the Senate, at 10:53 p.m., recessed until Wednesday, July 29, 1992, at 9:45 a.m.

## NOMINATIONS

Executive nominations received by the Senate July 28, 1992:

### DEPARTMENT OF STATE

WALTER SCOTT LIGHT, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

### THE JUDICIARY

KATHRYN H. VRATIL, OF KANSAS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF KANSAS, VICE EARL E. O'CONNOR, RETIRED.

CAROLYN P. CHIECHI, OF MARYLAND, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER SHE TAKES OFFICE, VICE ARTHUR L. NIMS, III, RETIRED.

DAVID LARO, OF MICHIGAN, TO BE A JUDGE OF THE U.S. TAX COURT FOR A TERM EXPIRING 15 YEARS AFTER HE TAKES OFFICE, VICE JULES G. KORNER, III.